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JUSTICE
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HAPPINESS

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**THE ETHICAL ASPECTS
OF EVOLUTION**

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(CLARENDON PRESS)

JUSTICE AND HAPPINESS

BY

William
W. BENETT

‘Avete voi considerato quanto in una città simile a questa importi, e quanto sia gagliardo il nome della libertà? Il quale forza alcuna non doma, tempo alcuno non consuma, e merito alcuno non contrappesa.’—FLORENTINE SIGNORIA TO THE DUKE OF ATHENS. (*Il Principe*, ed. L. A. Burd, p. 204, note.)

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JUSTICE¹

THE following essay suggests an answer to the question : What is Justice ? The attempt has often been made before, and it might at first appear that to repeat it was superfluous. Yet, notwithstanding its exceptional position in our regards, and our undoubting conviction that, whenever the word is used, the same thing is meant, we are as far as ever we were from having obtained a generally accepted definition. It is still true that it is 'a term of the most wide and varied application for which no general connecting principle has been ascertained',² and that 'there is no case where the difficulty of definition is greater, and the results more disputed'.³ The inquiry will not be without practical utility, if, by giving the term a definite meaning, it enables us to distinguish those uses of it which are correct from those which are not. The chief source of difficulty springs from the imposing prestige which the name of justice carries with it. All causes have sought to range themselves under its protection, and no analogy, however slight and far-fetched, has

¹ Throughout this essay the ambiguities of our language compel me to use the word happiness in its utilitarian sense. Readers of my essay on Happiness will I hope concede that I do this with my eyes open.

² J. S. Mill, *Utilitarianism*.

³ H. Sidgwick, *Methods of Ethics*, p. 236.

been neglected, so long as it might seem to establish the desired connexion. When a man greatly desires a thing, he asserts his right to it, and appeals to justice. It has often been used as a general synonym for virtue. '*Peccator eras ; confitere, ut sis iustus.*' It is clear that if it is to preserve a distinctive meaning, it must renounce a considerable number of these pretensions.

We may begin with the remark that justice can never be in excess ; and that this is a property which is common to all its manifestations. To quote Mr. J. S. Mill again, 'we do not call anything justice which is not a virtue.' Nor is its opposite ever good ; injustice is always condemned. It must, however, be admitted that justice is not always equally admired in all classes of transactions, and that in some kinds it is misplaced. It is felt that, though it should still be the guiding principle in dealings with children, it need not always be enforced when it tells against them, but should be tempered by generosity, and still more by regard for their moral interests. It is wholly out of place in dealing with animals and idiots ; and serious thinkers, like Hume, have held that it is not always applicable to dealings with women, or with slaves. Divine justice is tempered with mercy. The common feature in all these exceptions is twofold ; the party who is released from the obligation is a superior dealing with an inferior ; and the principle to which justice is allowed to give place is (speaking generally) consideration for the interests of the inferior. Even between equals the

claims of justice need not always be asserted, and a preference for generosity will be ratified by the approval of onlookers. But all these exceptions have reference to the conduct of individuals only. In dealings between the State and its citizens, justice is the sole guide, and it may never be disregarded in favour of any other principle, however laudable that principle may be in itself. To return good for evil is the highest of all the maxims of morality, but it is not justice, and the State cannot be bound by it. The maxim that justice is never wrong will prove to be of material assistance, as it enables us to reject at once any principle which, when it is pushed beyond a certain point, becomes, by common consent, bad ; and still more decidedly, when the kind of evil produced is injustice.

The most commonly accepted definition of justice is that it is the steady and unfailing intention to render to every man his due. But this is plainly defective in failing to define what is meant by 'due'. It overlooks the distinction between a man's disposition to enforce the law, even when, as it often may be, it is unjust ; and the justice of the law he enforces. The idea of a higher law to which positive law ought to conform has never been wanting. The intention to enforce an unjust law would not always be described as justice, or even recognized as a good quality ; and resistance to laws which are admittedly unjust has sometimes been approved as a virtue. It can hardly be denied, not only that a law may be unjust, but also that a man who asserts a right which is pro-

tected by an unjust law is himself guilty of injustice. The primary application, then, of the word justice is to institutions, and an individual's disposition may be called just only so far as it partakes of the qualities which constitute the justice of institutions. A tyranny, for reasons which will soon be apparent, can never be just, but a tyrant may be, and often is, when his action is directed by the same principles which constitute justice in a free State; though, even then, it may be doubted whether the result is wholly good, as it tends to reconcile his subjects to institutions which are bad. The word *suum* in the phrase *suum cuique* might have been translated 'his own', i. e. property, but this would have excluded retributive justice, and made the definition still more defective; so the word 'due' has been used instead. It has, however, often been understood as identifying justice with respect for property, and in that sense has been in high favour with conservative thinkers. David Hume can see no limit to its usefulness. 'Human society and human nature will still arrive at greater degrees of happiness and perfection the more inviolable is the regard paid to the duty of enforcing the rights of private property.'¹ That duty is 'sacred' even if nothing else is. We shall see how far this very high praise is deserved.

Our method of procedure will be to examine all the various actions or motives to which the term 'just' has been applied, in the hope of discovering in all some common feature or quality. Our purpose

¹ *Principles of Morals*, III. ii.

is not likely to be realized by the consideration of any collection of single acts which have been acclaimed as just. The material would be too unwieldy ; and fortunately we have, ready for our use, a classification which is both simple and comprehensive. Justice is either retributive or distributive. The first has sometimes been distinguished as ' corrective ', a word which implies an ideal social order, in which breaches have been made and must be repaired. But this notion is no help to us, as it leaves us to find out what the perfect social order is ; and, since no social order is perfect without justice, we must still inquire what justice is. So the word retribution, or repayment, has been preferred. This has, at any rate, a definite meaning, and it assists us by indicating what is agreed to be a leading principle in that kind of justice. ' Vengeance is mine, and I will repay.'

Vengeance, then, may be taken as one of the distinctive constituents of retributive justice. But it is not the principle of which we are in search ; and this for two reasons. In the first place, it is not common to all kinds of justice. There are some, such as respect for property, with which it is impossible to connect it in any way. In the second place, vengeance is not always just, or virtuous, or deserving of admiration. It has indeed been contended that revenge is bad in itself, and never good. But it is a plain fact that, from the earliest times till now, it has been the basis of criminal justice, and to deny all value to criminal justice would be absurd. All that can be said with any show of reason is that in a well-

ordered State private revenge is always a bad thing; but even there it may be doubted whether the rule has no exceptions. A private revenge for insults is often enjoined by well-informed public opinion in States which have reached a high grade of civilization. Speaking quite generally, and taking count of even its worst excesses, it is an essential element in our social evolution.

It is plain, nevertheless, that vengeance may be, and often is, either in excess or in defect. It obeys no general rule, and is dependent in each separate case on the character of the individual injured. A man of a generous and forgiving disposition will be satisfied with a bare acknowledgement of the fault; or he may feel no resentment at all; or, if he does, it may pass away after a short lapse of time. Or it may be partial, and exaggerate some kinds of wrong, while it is indifferent to others. There are many men who, though they would feel little active resentment at pecuniary loss, would think no penalty short of death a sufficient requital for insult. A readiness to forgive injuries is not, indeed, morally offensive, but, on the contrary, highly attractive, and it is generally recognized as an element in the noblest type of character. But it is as dangerous to the community when carried to an extreme, as it is admirable in individuals for guidance in private life. The fear of revenge is an efficient check on unjust aggression, and a valuable safeguard to peaceful evolution. No community can afford to sacrifice it. More frequently, however, it is in excess, and its

excess threatens the common welfare with worse dangers than its defect. In extreme cases the appetite is insatiable; it increases with indulgence, and is only extinguished by death. It will come to embrace not only the perpetrator of the wrong, but all who are connected with him by however slight a tie. It may be handed down from father to son for generation after generation, and be accompanied by an unrestrained cruelty, which is repulsive to all who are not blinded by its influence. The acts which it inspires are not only offensive to the moral sense of the community, but they constitute, moreover, a perpetual menace to security of life and property.

To provide against the double danger of excess and defect, and secure a regular working of retribution, independent of the peculiarities of individual temperament, early forms of society insist on the principle of equality, and it is then that the notion of justice is first imported. Revenge must not be forgone, but the injury inflicted by the avenger must be neither less nor greater than the injury received. An eye for an eye, and a tooth for a tooth. In still more advanced societies the duty of inflicting a just revenge is transferred from the individual to the State. The changes which result from this final step are momentous. Justice is for the first time thoroughly moralized. When the duty of retaliation is left to the individual, the responsibility also remains with him, and, provided that equality is observed, the State is not greatly concerned with the character of the offence for which a penalty

is exacted. When, however, that responsibility is transferred to the State, and the State is required to justify its action, it cannot afford to accept for its guidance the judgement of every individual in his own case. Deprivation of liberty, and, still more, mutilation, torture, and death, are acts which, until sufficient cause is shown, expose a Government to the resentment of the whole body of citizens, each of whom may fear that, unless their sphere be rigorously circumscribed, his own turn will come next. Such punishments again, when regarded by themselves, are offences against the moral sense; and the principle of retaliation demands that they should not be inflicted except as a requital for wrongs of the same class, and equally repugnant to the moral sense.

Another result of great value is that the temper, both of individuals and of the public generally, gains in humanity. The individual who has suffered wrong is relieved from a duty which tends to brutalize the character. No one need be his own hangman, and men of a nobler type of character, to whom revenge is distasteful, are no longer called on to descend to the level of those who delight in it. Nor does an impersonal revenge injure either the character or the reputation of him who inflicts it. An officer of the law stands in the same relation to the enemies of society as a soldier does to the enemies of his country, and incurs no more guilt, and becomes no more debased, by the execution of a judicial revenge, than does a soldier by the death of an enemy on the field

of battle. In both cases the essential element of malice is wanting. An exhibition of personal feeling on the Bench will not be excused, even if the sentence is just. In his judicial capacity a judge must behave like a machine.

The recognition of equality as the common differentiating principle in retributive justice will enable us to come to a decision on the propriety of the following disputed attributions. The first proposition to be tested is that it is just to punish a man for the sake of example to others, or for any other advantage which may be expected to accrue to others from his punishment. It is clear that this proposition is quite independent of considerations of equality. It would be absurd to say that the punishment was just only if the advantage gained by others was exactly equal to the pain it inflicted. Every one will admit that the gain to others ought to be incontestably greater than the pain to the victim. Indeed, the greater the departure from equality, the stronger will be the case for the punishment when tried by the test of utility. It has never been considered just to single out an individual and make him a sacrifice for other people's benefit; and our conclusion has the sanction of popular belief. The proposition that punishment is just when it is intended for the good of the sufferer himself is open to the same objection. It involves no calculation of equality between gain and loss. On whatever ground the punishment were defended, it would always be required that the gain should be

clearly in excess. Neither of these propositions, that a man may be punished for his own benefit, or for the benefit of others, is just, on whatever other grounds it may be defended.

Retributive justice may, then, be defined as revenge qualified by equality between the offence and the requital; and the equality is not between persons, but between degrees of moral reprobation. The primitive reactions from which revenge is derived are the defensive movements, like the instinctive closing of an eyelid when a blow is aimed in its direction, which are set up by sudden aggression. In these the principle of equality has no part whatever, but in later stages of evolution they are usually reinforced by a class of reactions, entirely different in origin, which are in fact derived from that sense of personal equality which plays a leading part in all the various manifestations of justice. When a man has suffered an injury, one of his earliest reflections is that he has thereby been reduced to a position of inferiority to the aggressor. An injury thus becomes of the same effect as an aggravated insult, and the sufferer is unable to rest until he has wiped it out, and restored his personal dignity. The commonest expression of his attitude towards the aggressor is that he will some day be even with him. This not only adds strength at the time to the primitive reactions of self-defence, but sufficiently explains how the passion is kept alive over long periods, in undiminished or even increasing strength. There is no other motive to individual

action which can compare either in power or in permanence to the desire to retrieve a real or fancied loss of dignity.

Absolute equality of persons is an essential feature of justice in two of its applications, which, though they cannot be covered by the same definition, stand in close relation to retribution. In the first place, justice requires that there should be no distinction of persons in the law courts. Before a judge all men are entitled to an impartial hearing, and, whether they are rich or poor, noble or mechanic, learned or illiterate, their pleas deserve the same patient and unbiased attention. Secondly, there must be no respect of persons in awarding punishments. The same penalty must be imposed for the same offence, whatever the condition of the offender may be. This principle appears to be, and really is, in direct conflict with the principle of equal retribution. Punishments, which in themselves are the same, differ widely in their effect on different individuals, and inflict a far greater injury, both material and moral, on some men than on others. The sentence, which may be productive to one man of nothing worse than temporary inconvenience, may mean a lingering death to another. But, for reasons which we will not stop to inquire into, this objection is almost universally disregarded. A third question connected with the justice of revenge is whether equality of persons should always be the guiding principle with reference to the person against whom the offence was committed.

In this matter practice has not been uniform. Ancient customs often made the punishment proportionate to the worth of the person who was injured. Assaults on priests or nobles were much more heavily punished than assaults on labourers. On the other hand, in early ecclesiastical law responsibility increased with rank, and a bishop was punished more severely than a layman for the same offence. In later stages, distinctions of this kind have almost always dropped out of sight, and retribution has been awarded without respect to the dignity either of the offender or of the person injured.

Before we leave the justice of retribution, something should be said on the subject of gratitude, or the return for benefits received. The following considerations will, I think, show that this sentiment has little or no connexion with justice. In the first place the State has never thought of taking over the duty of enforcing gratitude; and for this there are excellent reasons. Gratitude is not liable to the same abuses as revenge, and the State would gain nothing by restricting its operation. Nor would the individual gain by being relieved of the duty of giving effect to it. His moral character, on the contrary, would suffer injury, and he would lose one of his highest satisfactions. Again, justice in the requital of benefits can mean nothing else than equality between the benefit and the return made for it; and a man is not highly commended who measures his gratitude by a rigid calculation. That man,

rather, is admired, who not only exaggerates the value of the benefit he has received, but exceeds his estimate in computing his obligation. Again, we are often grateful, not for actual benefits, but for kindly feelings or intentions, the value of which is not susceptible of even the roughest estimate. Between justice and the manifestation of private gratitude there is no kind of connexion. When a man fails from defect of gratitude, he is blamed, not for injustice, but for ingratitude, which in the eyes of many is far more odious. Only the meanest of men could suppose that gratitude ceases as soon as the man who has received a benefit can cry quits with his benefactor.

Nor does it seem possible to connect the justice of 'a fair day's wage for a fair day's work' with the same principle. Gratitude does not enter into the ordinary relations between a workman and his employer; they stand on terms of equality, and it would be impossible to say on which side the obligation of gratitude lay. Neither workman nor employer need be grateful, unless either the wage or the work has exceeded what is fair and just; and then only when the excess is the fruit of benevolence and not of inadvertence, or deception, or force. Gratitude and justice are in these relations mutually exclusive.

Still less reason is there for calling in the principle of gratitude to explain the maxim 'men ought to be rewarded according to their deserts'. No doubt this is a form of justice. The feeling that great abilities,

great achievements, and greatness of any kind, are worth more than puny abilities or trivial achievements is universal, but it is in no way connected with gratitude. Ordinary people gain nothing by the excellence of those who compete against them, and are more likely to requite them with fear and envy than with love. All excellence is indeed opposed to the immediate interests of the majority, and, in the movements which are inspired by the principle of numerical equality, it is early recognized as hostile.

The only conditions in which there may be a justice of gratitude are either when the State is called on to reward one of its servants for services which are clearly beyond what is covered by the ordinary scale of remuneration ; or, perhaps, when it has received a great benefit from a foreign State. In these conditions the interests of the public might demand that there should be some rough proportion between the reward and the service. It may be said, generally, that the principle of requital in public transactions, and for those contracts of which the law takes cognizance, is justice ; in private transactions, of which the law takes no cognizance, it is gratitude. And what distinguishes the two principles is that one insists on equality, and the other rejects it.

The claims of gratitude raise, I think, the only doubtful question which calls for decision under the heading of retribution. In ordinary cases they must be rejected ; first, because in all but very unusual circumstances they have never been made the concern of the State ; secondly, because they involve

no question of equality between service and reward ; and finally, because they are already sufficiently safeguarded by the reprobation with which ingratitude is visited. Questions of a fair return for labour are decided with reference to a principle which has no connexion whatever with gratitude, and, indeed, excludes its consideration.

Having remarked that the substitution of expedience for revenge, as the principle of punishment, would oblige us to abandon our present conception of justice altogether, we need say no more on that subject. The philosophy of expedience does not deny that criminal justice took its rise in revenge, or that it has always been regulated, at least in theory, by the principle of equal retaliation ; nor, if it admits that criminals are in any case liable to punishment, does it seem to find material fault with the actual provisions of the criminal law of our time. All schools agree in asserting that the final end of justice, in all its branches, is the welfare of the community ; and that retributive justice serves this end by deterring from crime. On all these points there is no dispute. The difference first arises in the interpretation of the word 'welfare'. If by welfare is meant moral advancement, an action is criminal when it offends against public morality, and retributive justice must be guided by ethical considerations ; the whole process, from beginning to end, remains within the limits of ethics, and never steps beyond them. If, however, the welfare of a community is its happiness (i.e.

balance of pleasure over pain) a crime is that which reduces its happiness, and punishment must be guided by utilitarian considerations. The whole process remains within the province of utility, and ethical considerations have no right to a hearing. Hitherto the former interpretation has been acted on ; the aim of utilitarian reform is to substitute the second. To discuss the practical effects of the substitution, were it ever effected, would be too long a deviation from the direct path of our inquiry, and the task must be reserved for another occasion. Hitherto, the only country in which it has been effected is China.

We may now take leave of retributory justice, and proceed to a subject which, though not perhaps more important, presents problems for which it is even more difficult to discover the common principle of explanation. That is : What is it that we understand by justice of distribution ? It has already been observed that justice in this sense has commonly been identified with respect for private property, and our first duty will be to inquire how far that identification can be maintained. An obvious preliminary criticism is that distribution is not the same thing as preservation, and that the framers of the definition have not escaped the same fallacy which has been pointed out in the definition of justice generally. Respect for property can mean nothing else than a disposition to preserve it as it is actually distributed at any given time ; and whether that disposition can properly be regarded as just

depends entirely on the justice of the distribution. It has never, I think, been asserted that a wrongful distribution of property is inconceivable ; what is wrongful is never just, and respect for an unjust distribution, on whatever other grounds it may possibly be recommended, cannot, without an abuse of language, be identified with justice.

Respect for property, by itself, and without regard to justice of distribution, is, no doubt, a principle of great value. No society, even of the simplest structure, could subsist without it, and the more complex the society, the greater is the need of it. It is, indeed, an indispensable condition of all distributions of property, whether fair or unfair, for without it there could be no property to distribute. Moreover, as we shall soon see, property does rest on one of the two great principles whose right adjustment constitutes the full concept of justice, so that, after all, respect for it is one of the necessary elements, though not the whole, of that concept. As there can be no distributive justice without property to distribute, any unjustified interference with property is rightly regarded as an offence against justice. But there is no single principle, however valuable it may be, which is not liable to run into excess, and the higher its value when it is kept within bounds, the greater is the danger when it gets beyond them. The danger in this case lies in the fact that the distribution of power follows closely on the distribution of property, and, as all men desire both, they both continue to accumulate by a reciprocal interaction.

Every increase of one brings with it a corresponding increase of the other ; and the ultimate results are, first, an unequal distribution of property, which all men agree in regarding as unjust, and, secondly, an unequal distribution of power, which is incompatible with enduring freedom. ‘ When any course involves giving a great deal to a very few people, and a very little to the rest, we feel that this would be opposed to our sense of justice.’¹

The counteracting principle by which the right of private property is opposed and kept within bounds is the sense of personal equality, the conviction that all men are equal. It will assist the comprehension of what is to follow, if we state at once that, in our belief, the fundamental principle of property is that every man is entitled to the produce of his own labour. The rudiments of this instinct are much earlier than the appearance of man. Nearly all animals exhibit a peculiar interest in what has been created by their own labour, or acquired by their own strength, or skill, or valour. The claim is either admitted or enforced, and superior force is habitually associated with superior wealth. The produce of a man’s labour depends on his own capacity ; and, inasmuch as no two men are exactly equal in capacity, this principle amounts to an assertion of the inequality of persons. The two principles are radically opposed, and irreconcilable. Where there is complete equality there can be no private property, and where there is property there cannot be

¹ H. Sidgwick, *Methods of Ethics*, p. 240.

complete equality. There can be no justice without both ; and with this clue we may attain a clear conception of what is meant by the justice of distribution. The rest of this essay will be taken up with an account of these two principles and their interaction. We will give the precedence to the principle of personal equality.

What then is meant by the proposition that all men are equal? It does not mean that they are born equal, and that the inequality which we observe in actual life is the result of the different circumstances in which their lots are cast, or attributable to the faulty institutions of society. This view is contradicted by the known fact that the rudiments of personal inequality are in existence long before the birth of each individual. Again, it empties the maxim of all its distinctive practical value, and re-asserts the contradictory proposition that men, at the age when they come to be regarded as responsible agents, have ceased to be equal.

An attempt to rationalize the principle, and bring it into harmony with facts, may be made in another way. It may be understood as meaning that the natural value of each individual is unaffected by the institutions of society, and independent of the artificial distinctions of rank, birth, wealth, and social position. That if you were to take a hundred new-born babies, selected at random, from each of two different grades of society, the average value for each batch would be about the same ; or, if the value of either exceeded that of the other, the excess

would as often be found in the lower as in the higher grade. That what is true of men at their birth is equally true at every period of their life. Education can confer no substantial distinction of personal value, but only calls forth the special qualities which adapt the pupil to the social condition which he may be destined to fill ; and the same education would disqualify him for any other condition. The culture of the upper classes adapts them to the duties of their station, but only at the expense of the hardiness, the independence, the readiness of resource, and the willingness to help their neighbours, which are gained by the poor from an early participation in the struggle for life. Special causes may indeed come into operation by which, in any particular society, the ethical value of one section or another may suffer loss ; but these affect the higher classes as often as the lower, or, perhaps, oftener ; and in a healthy state the differences are so slight that an impartial judge, who was raised only a little above the common level, would not find it easy to declare a preference. An independent peasantry is often of a higher ethical value than a nobility which has retained its wealth, but no longer leads in war or in civil government.

In this contention there is much that is both true and important, and that the facts are not more generally recognized is due mainly to the self-love which in every man embraces his class as well as himself. The prevailing opinion everywhere is formed by literature ; men of letters have usually

been either members or clients of the wealthier classes, and the merits of the poor are forgotten, *carent quia vate sacro*. When one of the poor is inspired, he proclaims that rank is but the guinea stamp, and the man is the gold for a' that. But this is not the true meaning of the principle of equality; that is to say, it does not fully represent the feeling of which the words are meant to be a translation. That feeling is quite general, and the distinction which it denies is not between classes only, but between individual men. What it asserts is that every man has a value of his own, which transcends all the qualities and attributions which constitute personal value in the world of experience, and which they fail to account for; that Lazarus on his dung-heap is really, and in the only true sense of the word, the equal of the king on his throne, notwithstanding all difference not only of wealth and station, but of personal qualities also. Neither rank, nor wealth, nor even genius, will help a man to heaven; these are phenomenal, but not real values. The feeling is, no doubt, irrational, but it is not, on that account, negligible, or barren of practical effects. The belief it engenders contradicts all the known facts of experience, but it is nevertheless in the highest degree true, whether its truth be measured by the strength of conviction with which it is held, or by its practical working.

This conviction is not found in equal strength in all races and all individuals. In the nations of the East, including Russia, where it is the key-note of all

the best literature, it is more powerful and more widely spread than in the West ; and among the Latin races than among the German ; and in every country there are some individuals to whom it appeals with special force, and others whom it leaves indifferent. In one form or another, and in a higher or lower degree of intensity, it is as universal as any of the instinctive beliefs of humanity. A belief that all men are equal before God is, I think, an element in all religions. It may lie dormant for a time, or subsist in a state of inaction ; but when kindled to a flame, it is probably, if religion be excepted, the most powerful of all motives to the collective action of masses. It is the sole justification of the sense of personal dignity, without which freedom is impossible. A man who fails to resent the assumption by another of a real, and not merely conventional, superiority, however lowly his own condition may be and however exalted the other, is only fit to be a slave. It accounts for the peculiar intensity of hatred which is excited by slights and insults, a hatred which is far stronger than any that can be occasioned by material injuries ; which is keenest and most easily set up in the man whose temper is the most generous, and which may perhaps be appeased by submission, but never by gifts. As a mere impulse, and before reflection, it prompts men to treat one another with exactly equal courtesy, whatever their relative positions may be, and it is in behaviour of this kind that it leaves its brand on manners, and exerts an influence, the value of

which it would be difficult to over-estimate. In order to produce its full effect the feeling must be genuine. It cannot be put on, and it is at its best when it is wholly unconscious. In dealings with members of a subordinate race it is the only disposition which can conciliate their affection and loyalty ; and no increase in wealth and security, nor the most perfect purity and justice in the administration, will make up for the want of it. It is the basis of all the theories of the fraternity and solidarity of the human race, which have played, and still play, so large a part in history. Its ethical affinities are with the virtues of self-negation : humility, obedience, asceticism, and love and pity for others. Its positive activity is in the direction of altruism. Religion and the conscience are its close allies. It is the informing principle of the Gospel which teaches man to love his neighbour as himself, and to regard all men as equally the sons of one divine Father. As might have been expected, it meets with little recognition from the irreligious and individualist philosophy of the eighteenth century, and after a very short reference to cases in which, in the ancient world, it had been realized partially, and not altogether without advantage, it is dismissed by Hume on the ground that perfect equality is both impracticable and pernicious. He was not aware that precisely the same objection applies to the opposed principle of property.

But, whatever opinion we may hold on the subject of its ethical value, we cannot identify the

principle of personal equality with distributive justice ; and this for three main reasons. In the first place, it destroys property, and where there is no property there can be no distribution ; secondly, it will offend against the sense of justice which demands for the best workers the reward they have earned ; and, finally, it can only be realized at the expense of freedom. The first two reasons are so obvious that they need only be stated ; with regard to the third a few words of explanation may be allowed. Among the causes which will bring about the destruction of freedom are the following. In the absence of a vigilant supervision, the more capable among the citizens would gain an advantage over the less capable ; property is in itself a source of power which is separate from and additional to natural capacity ; and unevenness of property will first reflect, and afterwards greatly exceed, the unevenness of natural ability. Hence it follows that the state of equality can only be maintained by a rigorous repression of all such tendencies. Again, where private citizens have no property they will have no political power, and they will be unable to resist their government except by force, a remedy which, in the absence of the severer forms of distress, they will be slow to have resort to. Another reason may be indicated. When all men are equal, extreme poverty is likely to be rare, a restraint on increase would be removed, the population would be dense, and the regulation of marriage would almost certainly claim the care of Government. There are

many other concurrent reasons, but the above are some of the principal dangers to which freedom may be exposed.

No more need be said at present about the principle of personal equality. It grossly offends against the principle of desert, or of equality between service and reward ; it brings in one of the worst forms of tyranny ; and on both grounds it has no claim to be regarded as the same thing as justice. We may now proceed to inquire whether the competing principle of equality between reward and service, and the consequent inequality of property, is better deserving of the identification. In comparing the principle of property with the principle of personal equality we might be tempted to distinguish the former as the principle of inequality, but it is really no better entitled to that designation than its rival is ; for, if it denies personal equality, it is only by asserting equality of values ; whereas the other, in asserting equality of persons, denies equality of values. There is, however, this much to be said in favour of the appropriation of the term inequality to the latter. It is only in principle that private property bears any relation to desert. In advanced societies this relation falls into the background, and private property offends as plainly against one kind of equality as it does against the other. It is no longer possible to defend its unequal distribution on the ground that it faithfully reflects inequality of personal merit. Nevertheless, respect for private property is still, by universal consent, allowed the

name of justice, and even, by some writers, to monopolize its use. In such conditions its proper defence appears to be that, having taken rise in one of the elementary principles of justice, it continues, even after its original nature has been lost sight of, to subserve the same end, that is to say, freedom. But in order to do that, it must never entirely lose sight of the equality between merit and reward from which it first arose.

For the purposes of exposition we may venture for a moment on fable. It may be supposed that, before the growth of definite social relations, each man fought and worked for his own hand, and that inequalities of strength and skill were reflected by inequalities of material wealth. At a succeeding stage, when labour was subdivided and each man depended on the labour of others, as well as on his own, many reasons conspired to maintain the same inequalities of fortune. Out of the primitive feeling that every man is entitled to the produce of his own toil was evolved the principle that service should be paid for in proportion to its value ; and from this germ commenced the growth of permanent inequalities of fortune. In the enormous development which has ensued there have been two main factors ; that is to say, contract and inheritance ; and a short account, at least, of these must be given before the nature and derivation of justice can be clearly understood.

The most material extension of the principle of equal values, and one that entirely changes and

disguises the character of its operation, has its roots in the love of life and the passionate dread of extinction which is common to all men. It incites men to perpetuate all that they have held in value in this life; their names, their reputations, their honours, and the material rewards which they have gained by their own merits. Among the incidents of property there is none they value more highly than the power to direct its devolution after they themselves have left the scene; and especially to direct it in such a way as to preserve the remembrance of themselves. So strong is this desire that they willingly forgo their freedom of disposition, and welcome a law of primogeniture which secures more certainly their main purpose.

Material wealth, though the commonest, is not the only known return for merit. Merit may also be requited by honorary distinctions; and, as the underlying principle is the same as in the case of property, and the historical development not dissimilar, it seems correct to refer these also to the general heading of distributory justice. By 'distinction' is meant any kind of mark, whether it is affixed by the State, or by any recognized independent body such as a University, which raises a man above the general level in the collective opinion of his fellows. In countries where the principle of personal equality has the upper hand, the State is likely to withhold this kind of recognition of the principle of inequality, and, though minor distinctions may still be conferred by private bodies

like the Universities, that principle is at a great disadvantage. In acting thus it may, however, be doubted whether democracies consult their best interests. There is no form of return for merit which is so little open to objection as this. The continuation, by heredity, of personal distinctions, to men who are not distinguished, is obviously uncalled for; but when they are restricted to the original recipients, equality between merit and reward is not lost sight of. The political influence they carry with them is far inferior to what is commanded by wealth, and the danger is less, while their effect on the character is better. The community gains by having another outlet for ambition, besides the not wholly elevating pursuit of riches; and the Government by being furnished with a safe and efficient stimulus to devotion in its service and in that of the public.

It is obvious, however, that in the case of honours, as well as in the case of property, whenever the principle of heredity is introduced, the original justification on the grounds of equality of value is lost sight of. The correspondence between merit and reward then becomes rare and purely fortuitous, and, except in the case of self-made men, wealth and position give no indication of personal qualities. The identification of justice with respect for arrangements which embody an extreme degree of inequality may seem to militate against the acceptance of the view that equality is the single principle which differentiates and connects all the various applica-

tions of the term. The obvious escape from this objection would be to deny that the right of property as it now exists, however true it might be that its roots were planted in justice, any longer represents that principle. There may, in fact, be much difference of opinion as to whether the connexion between great wealth and consideration with a feeble and worthless character should be defended as just, or, rather, with a reference to some other principle. Nevertheless, though the justice may be disputed, there remains a strong analogy between the original equality and the derivative inequality. Not only is their origin the same but their aims also. They both emanate from the principle of self-assertion, and are valued as stimulants to action, or the greatest possible output of individual energy. Moreover, justice (as will be found) is not an end in itself, but a means to, and factor in, a more comprehensive end, that is, freedom; and, inasmuch as a very strict realization of the principle of qualitative equality is never possible, it must be sacrificed altogether, and, with it, our prospects of freedom, unless we are prepared to accept it with all necessary modifications.

It has been pointed out that the sentiment of personal equality is the expression and the ally of the principle of self-negation. Its opposite, the principle of personal inequality (for under that wider term we may now include respect for property and distinctions, whether self-acquired or hereditary) is connected in the same way with the principle of

self-assertion. Without the prospect of some kind of recognition, material or honorific, there are not many men who will face the toil and privations, without which no great or admirable work can be accomplished; and, without the large properties and liberal education which can only be found where wealth is unequally distributed, there is no likelihood of obtaining either the effort or its results. This influence runs through the whole scale of human achievement, in arts, in literature, in philosophy, in science, in war and in politics; and achievement is only another word for evolution. Adequate encouragement to personal activity is essential to the internal development of society; that can be found nowhere except in the recognition of and respect for personal inequalities; and, without it, first stagnation will ensue and then decay. At the same time it must not be forgotten that collective action is equally necessary, and that that is favoured by the sentiment of equality.

There is another respect in which the workings of the two principles may be contrasted. If all action is mechanically determined, it follows that differences of personal efficiency are not differences of personal merit. They must always be attributed to causes which date from a remote antiquity, and over which, as they were long antecedent to his birth, the agent is unable to exercise the slightest control. It is obvious that this doctrine is in close harmony with the aims of personal equality; and it is in fact in high favour with the champions of those

aims; who deduce from it conclusions which are subversive of all the received principles of justice, retributive and distributive alike. They point out that it would be as unreasonable to punish actions which are thus derived, as to punish the acts of a maniac; and that the claim to a special return for special excellence has no better grounds to rest on. In both its main divisions the concept of justice is challenged by the substitution of mechanical law for free will as the theoretical determinant of conduct. On the other hand, to the advocates of personal inequality, and of the doctrine that both reward and punishment should be proportionate to desert, free will is a necessary postulate, and, though the connexion may be overlooked by philosophers, it is always recognized, tacitly or expressly, by statesmen and men of action. Thus we find that the whole fabric of civilization is based on two irreconcilable assumptions, both of which are independent on experience; that is to say, freedom of the will on the one side, and the perfect equality of all men on the other; and that, if both or either of these were withdrawn, it must inevitably fall in ruins.

The worst of the difficulties attending the practical application of the law of personal equality are trifling in comparison with those which beset the adjustment of reward to merit. A commonwealth in which all men were equal, and all the wealth held in common, might be realized, and, when once firmly established, would be in little danger of

internal disruption. But, for the estimate of the value of work which must precede the determination of a just reward, neither is there any known standard, nor is one likely to be discovered. The simplest problems are those which arise out of the achievement of a common end by different grades of workers, when each worker contributes a different quality of body or mind. The following may be taken as an example:—the common end being victory, at how many private soldiers is the general to be reckoned? There is no common measure between the capacity of one general and of another, and none between either, and the discipline, courage, and physical endurance of the troops. The same difficulty occurs in calculating the relative values of direction and labour in industrial undertakings. In both cases the qualities which contribute to the result are incommensurable. The difference between their relative values might be over- or under-estimated to any extreme which the fancy or interests of the individual arbitrator might suggest, and there is no standard by which the conclusion could be checked. It must always remain a bare opinion, and unless it is unjust, the decision will satisfy neither one party nor the other. When different ends are compared, the difficulty is greatly enhanced. On what principle are we to decide whether success in war or success in peace is of the greater value to the State, and deserves the higher reward?

We get little or no help from examining the operation of the principle in daily life. It would

be reasonable to expect that some constant proportion between degrees of merit and the corresponding reward might be ascertained from a comparison of the actual rates of remuneration which are earned respectively by greater or less efficiency in any of the ordinary professions. There are, indeed, indications that the difference between the highest and the lowest rates of remuneration in the same profession tends to increase as the quality which is exercised rises in the scale of evolutionary value. The difference between the wage of an exceptionally strong labourer and of one of only average physical strength is less than the difference between the wages of skilled and unskilled labour. The difference is much greater when we come to what are called the learned professions; and the income earned by a leading physician or barrister is still further removed from the bare pittance of the least successful practitioner (for men who gain neither work nor wages cannot be taken into account either here or in other comparisons). The disproportion between the earnings of first class and second class practitioners respectively, may, after all, be fully justified by the relative values of their performances. The earnings are regulated by competition, and the employers may be allowed to be sufficiently good judges of their own interests; especially in the law, where the selection is usually made by solicitors, and is not likely to be vitiated by ignorance. The exceptional fees which are paid for eminence as a physician or at the bar are probably justified by

considerations of expedience. The same considerations will not, I think, account for the enormous incomes of public performers who are pre-eminent in their own lines. There can be no greater pleasure in seeing a man lift a thousand pounds than in seeing him lift fifty. What attracts is the eminence itself, and the satisfaction is purely ethical. The same consideration applies, though perhaps not so exclusively, to great singers, and great painters. The pre-eminence in merit may not be great, but, if it is certain, it will attract multitudes.

There are, then, some grounds for supposing that, as a general rule, the highest qualities are the most liberally remunerated, and again, that the range of remuneration for different degrees of the same quality will vary with the excellence of the quality as a whole, and thirdly, that absolute supremacy (what is called a 'record') in any line, even if the line is not a high one, will be reckoned, for purposes of remuneration, at a very high value indeed. But contrary instances crowd upon the attention. The composer of a song is higher in the scale than the man who interprets it, but he is seldom as well paid. A philosopher might gain by exchanging wages with a gardener; and the more his philosophy is worth, the less he is likely to get for it.

Nor are these problems merely abstract and academical. They meet us at every turn in practical politics, and urgently call for a solution which it is altogether beyond our powers to furnish. The claims which must be decided are based on the estimate

which is formed by each man of his own merits. These all men are ready to assert, to exaggerate, and to defend at the risk of their lives ; but there are not many who will form a barely just opinion on the merits of a neighbour, or exert themselves to support it. There are no arbitrators that can be trusted, and no principle of valuation that can claim anything distantly approaching the authority of a mathematical demonstration. In extreme cases, such as that of a large fortune gained by lucky or unscrupulous speculation, regard for property cannot be forced within any definition of justice, but must be defended, if at all, on the broader considerations of political freedom. The impossibility of discovering any fixed standard of value allows an extreme latitude of definition ; and this is fortunate, as greater strictness would check the natural growth of institutions ; but it must be admitted that the principle of equal values is as little susceptible of a rational statement as the principle of the equality of persons.

We will now ask of the principle of distribution by merit the same question as that which has already been asked of the principle of personal equality, and answered for that in the negative. Can it be identified with justice ? The answer is the same, and for parallel reasons. When left to itself it will always tend to defeat its own ends. Those who are rich will become richer at the expense of those who are poor, and the proprietary rights of the latter will be absorbed. Where the land is

parcelled out between a few large and many petty proprietors, there will be a gradual transfer of the rights of the poorer classes. Their land, their houses, their cattle, and eventually even their rights of way, will be taken from them. An analogous transfer will take place within the spheres of commerce and manufactures. When this process has continued for a sufficient time, the community as a whole will cease to be free. Liberty of action, and the output of force which is conditioned by it, will be far less than in places where the distribution is less uneven. Unrestrained regard for the rights of property ends at last in their confiscation, and their destruction will be as complete as can be brought about by an extreme realization of the principle of equality. The same terminus is reached, though by different roads.

Our main conclusions, up to this point, are the following: all forms of justice may be subsumed under the two classes of retribution and distribution, and the guiding principles in both these divisions are first personal equality, and secondly desert, or equality of value. In retributive justice rewards and punishments are governed entirely by desert; the position of the parties before the law, by personal equality. Here the case is comparatively simple. It is in justice of distribution that a conflict first arises. In the distribution of property and social status, desert (especially after it has been modified by its historic developments) and personal equality are contradictory, and cannot be realized

concurrently or by the same laws. Now we started with the axiom that justice can never be in excess; but it is quite certain that both these principles can be very much in excess, and that when they are in excess they contradict justice, and become unjust. Neither of them therefore is identical with justice, or can serve to connect all the various forms of it. But besides these there are no other principles to which the term of justice ever is, or can be, applied, and a compromise between the two, when each restrains the other from running to excess, is in fact recognized as justice. Distributive justice, then, is a compromise between equality of persons and equality of deserts; or perhaps more correctly (in consideration of the way in which the original principle of equality of desert has been obscured by history) between personal equality and personal inequality.

This, then, is our definition. The discovery of what constitutes justice releases us from the first and perhaps most difficult part of our undertaking; but we still have to inquire, first, how the sentiment came into existence, and secondly, what are the incidents, whether in the nature of intrinsic qualities or of practical results, to which it owes its exceptional position in the regards of mankind. Before, however, we take up these questions it will be as well to consider a few of the cases connected with property in which it may be doubted whether the word justice is correctly applicable.

There is no apparent need to call in the hypothesis

of a convention in order to account for the binding character which has always been attributed to promises ; but it is still a question under what conditions their observance is to be regarded as one of the forms of justice. The first mental process in the series which culminates in a contract is a resolution to act in a particular way ; and even a bare resolution, before it is divulged, is nothing else but a self-imposed obligation, which varies in strength with the stability of the individual's character. There are few who can abandon it without some effort, which is usually accompanied by a sense of distress and self-reproach. After a man has divulged it, even if it may not affect the interests of his hearer, his sense of obligation is reinforced by the consciousness that he is expected to act in that way, and that his reputation for consistency and trustworthiness will suffer if he fails. It is in order to avoid this additional obligation that the prudent man, who wishes to retain the control over his actions, will be cautious about publishing his intentions. A third stage is reached when the intention is of a kind to affect the interests of the person to whom it is communicated, or induce him to act, or refrain from action. If the man who makes the communication knows at the time that this result is likely to ensue, there is a bare promise. The non-observance of a promise is always morally objectionable, even when the interests involved are slight ; when they are important, and the relations between the parties are intimate, or of

a kind to inspire affection and gratitude on the part of the promiser, or special confidence on the part of him to whom the promise is made, the offence may be branded as perfidy. The final stage is when the person to whom the promise is made is thereby induced to do something to the advantage of the person who made it. We then have a promise for a consideration, or a contract ; and title by contract is not essentially different from title by purchase. Indeed, unless delivery on both sides is simultaneous, and that is often impossible, the right of property on one side or the other in a transfer by purchase must always for a time depend upon a promise.

If there were a general consensus of opinion in classifying all or any of these acts or omissions under the term justice, we should be compelled either to frame our definition in such a way as to include them, or to give valid reasons for their exclusion ; but there is no such consensus, and, after having framed our general definition of justice with regard to all the unquestioned applications of that term, we are at liberty to inquire whether the doubtful cases which now engage our attention can be made to come under it. We have already stated our conclusion that the common principle which connects all the various usages of the term justice is equality, in one form or another. If the employment of this criterion results in a classification of our doubtful cases which does not contradict ordinary competent opinion, our conclusions with regard to cases which are not doubtful will be confirmed. That is to say,

if the application of the principle of equality to all cases of promise, or quasi-promise, or contract, gives a result which is generally acceptable, our adoption of the same principle in other cases will be corroborated.

The principle of equality does no doubt enter into every kind of contract which is instinctively felt to be just; and that in two ways. For a valid contract, in the first place the parties must be on terms of practical equality, and, secondly, the consideration must be of practically equal value with the service rendered, or the article that is transferred. The first point may be illustrated by a quotation from Lord Morley of Blackburn:—

‘To say that the Irish cottier was free to make a fair and open bargain with the landlord might be in mere words true, but in relation to the real circumstances it was absurdly untrue. So, adopting the principle that where the necessities of one of the parties to a bargain deprive the seeming freedom of choice of all substance, it is expedient to regulate the bargain by law, Mr. Gladstone persuaded Parliament to give the tenant a perpetuity in his holding, and to set up a court to fix the rent. I may note in passing . . . that nothing but Mr. Gladstone’s own intense readiness of perception, his vast authority, and his extraordinary driving power, could have carried this immense innovation upon the accepted doctrines of free contract and competitive rent through a cabinet of landlords, lawyers, and economists.’¹

¹ *Miscellanies*, fourth series, p. 306.

No contract is just, or deserves to be enforced, unless it is between men who can deal with one another on terms of practical equality. Where one of the parties is greatly superior to the other in wealth or knowledge, or whatever constitutes power, there may be the form of a contract, but the substance is wanting. Again, the consideration on both sides must be fairly equal. An agreement by which a money-lender exacts an exorbitant interest on a loan to a hardly pressed and inexperienced youth is unjust on both accounts.

It will no doubt be objected that in practice the law courts do enforce bargains which fail to satisfy these conditions. They decline to inquire into the adequacy of a consideration—a peppercorn rent will secure the lease of a property worth many thousand pounds a year—and the presumption that a contractor is competent will not usually be set aside except on proof of mental incapacity. Both these rules add to the power of wealth, and favour its accumulation, but they must be defended on other grounds than those of justice. Our conclusion is that when the principle of equality in both these forms enters into a contract, the regard for that contract is one of the kinds of justice, and, when it does not so enter, it is not. A law or legal practice which disregards that principle cannot be defended on grounds of justice, but it does not necessarily follow that it should therefore be condemned.

In transactions where there is no consideration, such as bare promises, or conduct which influences

others by raising expectations, there is nothing with which the principle of equality can be connected, and, if the criterion which has been suggested is the right one, they do not fall under the definition of justice. Their exclusion is confirmed by the practice of the courts, which does not enforce a bare promise. The fact that the courts are satisfied with a merely nominal consideration, and enforce bargains which only differ in name from promises, shows how strong was the original feeling which compels them to retain the formal distinction after the substance has been sacrificed. The moral obligations which enforce the observance of promises are the self-respect which makes a man unwilling to go back upon his word, his dread of forfeiting the respect of his fellows, and the sympathy and kindly feeling which shrink from inflicting the pain of disappointment. His sense of justice is not called into action at all, if by justice we mean a special quality, and not the same thing as virtue in general. Nevertheless, the analogy which subsists between contracts and promises will always tempt the principle of property to extend its claims into a region where it has no standing ground; and the only means of disposing of such claims is to fence in the meaning of justice by giving it a strict definition.

All ordinary trading which is not by contract admits of both the elements of justice, but in transactions of that class there can be no question of compromise between the two elements, and it is doubtful whether the term justice ought to be

applied, or is applied in common speech. A trader may charge different prices for the same article, varying his demand according to the means of his customer. In doing this he offends against both the rules of equality ; he makes a distinction of persons ; and, from one of his customers he will take more than the article is worth ; for we need not complicate the question by supposing that he will take less than it is worth from either. Mr. J. S. Mill notices the offence against equality of persons, and is of the opinion that it is reckoned as injustice. It may, however, be doubted whether this is a correct interpretation of the common feeling. A doctor with his patients and a lawyer with his clients are not regarded as unjust when they vary their fees according to the means of payment ; nor, I think, was Diomed when he exchanged his brazen shield for one of gold ; and there seems to be no reason why, if custom permitted, the same practice should not be extended indefinitely to other classes of exchange, without offence to the sentiment of justice. The existing custom in England dispenses with bargaining, and was probably adopted from motives, not of justice, but of trade convenience. If a trader departed from it without giving warning he would be blamed as dishonest ; if he gave warning, as foolish ; for he would lose his best customers ; but in neither case as unjust. In most countries bargaining prevails, and there a man may get what he can.

It will be observed that in this case the principles

of personal equality and of qualitative equivalence can never interfere, but are independent, and that each of them, if applicable at all, must be applied absolutely, and without reference to the other. The question whether it is just to charge the same price to rich and poor alike is not affected by the question whether it is just to charge a price which is out of relation to value. To overcharge a poor man may be more inhuman than to overcharge a rich one, but it is neither more nor less unjust. On this point questions of barter differ from questions of the distribution of private property; there is no conflict of principles, and no compromise. It is, therefore, intelligible that the concept of justice should apply in one case and not in the other. But it must be admitted that though equality in barter differs radically from that kind of equality in the distribution of private property which is recognized as justice, it closely resembles the justice of retribution. In retribution also both kinds of equality are essential to justice, but they do not interfere. The rightness of punishing rich and poor alike is quite independent of the rightness of keeping a proper relation between the offence and the punishment. How then does it come that the sense of justice is so much weaker (if it exists at all) in the case of barter than it is in the case of penal retribution?

The explanation is, I think, quite clear. From a consideration of the numerous cases in which justice yields the precedence to other motives, when the transactions are between private persons,

we have already inferred that justice is, primarily, a public rather than a private virtue, and that its proper function is to regulate the dealings between the state and the individual, rather than those of one individual with another. This inference was confirmed by the observation that gratitude, the sentiment which, in Kant's opinion, chiefly distinguishes men from devils, was rarely or never appropriate in public transactions, and that it was not only independent of justice, but often directly opposed to it. The indifference with which ordinary minds regard patent injustice in business transactions, affords another, and, I think, decisive confirmation of the same view. To acquire a valuable article for much less than it is worth earns admiration and envy rather than contempt. In large classes of transactions, especially those connected with the land or with horses, the grossest injustice is openly practised without exciting serious reprobation. The criminal law takes no notice of private injustice unless it is accompanied by fraud or force. Contracts by themselves are as much private transactions as simple exchanges are, and if the principles of equality are held to be applicable to them, it is because public interest demands that they should be enforced by the civil courts, and thereby gives them a kind of public character. Nevertheless, a commercial standard passes much that a fine sense of honour rejects, and conduct which brings no discredit to a man of business might often be distasteful to a soldier.

It is not, perhaps, beneath the dignity of the subject to call in the evidence of schoolboys ; and there is no period of life when the regard for justice is stronger, or less sophisticated by personal interests. What may be observed in a school corresponds, with reasonable exactness, to the same class of phenomena in adult life. In the first place justice is not one of the virtues which would be ascribed by one ordinary boy to another. Where it is looked for is from the masters, or from such boys, if any, as are set in authority over the rest. Again, both kinds of equality have full recognition. Every boy must stand on the same footing before the master ; there may be no favourites. But this rule does not express the whole concept, for there would be no justice unless every boy were dealt with according to his deserts. Good work must be rewarded by promotion, prizes, and privileges ; to punish the innocent excites the keenest indignation, and the severity of the punishment must be measured by the moral gravity of the offence.

We may now pass to another disputed application of the term. There are three different principles of taxation, each of which has claims to be distinguished as just. Taxes may be levied, either with regard to persons only, the same sum being taken from every individual, whatever his means may be ; or by a percentage on incomes ; and, in the second case, the percentage may be either constant, and the same for all incomes, whatever their amount may be ; or graduated, a higher percentage being taken

from large incomes than from small ones. The definition which is proposed in this essay suggests a decision. Personal equality would seem to require that the incidence of taxation should be *per capita*, as by a poll tax ; and the principle of property that it should be calculated on incomes, if not by a graduated, at least by a constant percentage. For any one, if the case were clearly put before him, must admit that the same principle should be applied impartially to the distribution of both benefits and burdens alike, and that he has no right to appeal to it when it suits his own interests, unless he is prepared to abide by it when it does not. Thus, the advocates of property ought also to accept the principle of graduated taxation, and socialists that of a poll tax. It need hardly be said that this state of opinion is not realized in practice, and is not likely to be, so long as men continue to be swayed by cupidity. Nevertheless, it is just, not only because it is consistent, but also because it promotes justice as we have defined it. A graduated tax serves as a check on the growth of great properties, and a poll tax is as little unfavourable to that growth as any form of taxation can be. Justice, therefore, which demands a fair distribution of property, is promoted by graduated taxation when the accumulation of properties has advanced further than is desirable, and by a poll tax when the dispersion of property is excessive. Our conclusion then is that no one of these principles of taxation is either just or unjust in itself and universally, but

that any one of them may be just ; and that the right to the title in concrete cases is determined by the social conditions in which the particular principle of taxation is to be applied.

The popular maxim that it is not just that a man should pay a tax in the imposition of which he has had no voice, besides being obviously impracticable, involves a flagrant misuse of the word justice. The power to vote, and the liability to pay, are two things between which any ratio of equality or inequality is inconceivable. They are entirely disparate. A trooper might as well object that it is not just to ask him to ride a horse which he has not broken in. The concept of equality does indeed come in, but it is by a subreption ; it is contained not in the original proposition, but in its application. It follows, almost of necessity, that, if every man who pays a tax must have a voice in its enactment, every man must have an equal voice. This is not justice, but only one of the elements of justice, which, when uncorrected, must produce injustice. The distribution of property follows political power, and, when that is evenly distributed, property also will eventually be distributed evenly. Not only will the claims of merit be lost sight of, but, without inequality of properties, private property will itself cease to exist. For equality between individual citizens can only be maintained where the State is the sole proprietor.

If every taxpayer is to have at least one vote, the only alternative to absolute equality is that the

number of votes should be multiplied, and that each man should be given as many votes as he deserves. This is not what the advocates of the maxim desire, and, even if desired, it would be impossible to realize. It raises an indefinite number of problems, all of them insoluble. In the first place, is the number of votes allotted to each citizen to be in proportion to his general merits as a man, or to his political capacity? We will assume the latter, not on grounds of justice, but of simplicity. The next question will be: what is the measure of political capacity? If political power is to be based on the liability to pay taxes, it would seem to follow, as a corollary, that the distribution of power should be in proportion to the amount of taxes paid, and that when a man who paid one pound a year in taxes had one vote, a man paying a thousand pounds should have a thousand votes. Under that interpretation property would be the measure of political capacity. But this would be to go much too far in the opposite direction.

When, then, is the qualification which constitutes political capacity? There are many endowments, all very valuable in their way, which may be ruled out at once. Artistic accomplishments are one of them. To be able to play a church organ is no better guarantee of political insight than to be able to blow its bellows. Nor indeed is intellect, or courage, or firmness of character, or any other personal quality except statesmanship; that is, the power of foreseeing the whole effect of any measure

that may be proposed ; and that is so rare that, if it were exacted, there would not be two voters in a generation. It is altogether absurd to think of any other personal qualification for voting, except clean hands, and a sense of duty. What a country requires is a constitution which gives a sufficient but not excessive power to each of the great interests out of which a healthy political state is built up, and this depends, more than on anything else, on a just distribution of property.

We have already had occasion to remark that respect for contracts can be explained without recourse to the hypothesis of a convention, or agreement of any kind, whether fully or only imperfectly conscious ; and the same remark appears to be true of all the other manifestations of justice. It is unnecessary to seek for a basis in expedience for any principle of action, when we discover the same principle in a recognizable, even if rudimentary, form in the animal creation below the level of man ; for it is abundantly clear that at that level it could not have been deliberately adopted on a rational calculation of the resultant advantages. Now, though the lower animals are not to be credited with the fully developed concept, it seems certain that the elementary principles of justice are not unknown to them, or without influence on their conduct. The relations of a stag to his does, or a cock to his troop of hens, constitute a form of property in which the title is based on superior strength or prudence. Indeed, the germs of a right of property may be

found in all forms of sexual relation which are not promiscuous. The same exclusive right which is asserted by men in the produce of their own labour is asserted by bees in their honey, and by ants in their nests, and, in a more or less primitive form, pervades the whole of animate nature. Rights based on occupation are almost equally common. The pariah dogs of India will chase, and, if they can catch him, tear to pieces, a stranger who intrudes on their circles. Among dogs, indeed, though it is not recognized in sexual relations, the sense of property attains a high degree of development, as is shown by the fidelity with which they defend the possessions of their masters. Retributive justice is exemplified by rooks, and, I believe, many other social animals, when they inflict a collective vengeance on offending members of the community. Rudiments of a sense of equality may be traced in the jealousy which is excited by the preferential treatment of one out of a number of household pets. It is not to be supposed that animals have attained to that perfect form of distributive justice which emerges from a compromise between equality and inequality ; but that, even among men, is as yet to be found only in the unconscious stage, and could not, therefore, have owed its origin to a conscious choice.

There is indeed no reason to suppose that justice, any more than the social habit itself, was deliberately adopted by men after a conscious calculation of drawbacks and advantages. Both were the im-

mediate products of the necessities of their position, and over the creation of that position men had no influence or control whatever. It is possible that at an early stage they may have had a dim consciousness of some of the advantages of adapting themselves to the circumstances which were imposed on them ; but this would be equally true of all those animal tendencies which have survived in men in a more or less altered form, and it does not distinguish one or more of them from the rest. With all of them alike it is a question of fact whether, and to what extent, the tendency has been modified by the operation of conscious human interests, and, in the case of justice especially, by the desire to realize the greatest happiness of the greatest number, or an increase of happiness in any form.

It should not be forgotten, that all, or nearly all, of those who appeal to the name understand by justice, not the compromise which has been described in the earlier pages of this essay, but either one or the other of the conflicting principles between which the compromise is made ; that they either ignore, or are positively hostile to the other ; and that with regard to the principle of their choice they are under the influence of that prevailing source of erroneous valuations which may be distinguished as the lover's fallacy. To what lengths of illusion the principle of private property may impel its devotees has already been illustrated by a quotation from Hume, a thinker who is not often led astray by unreflecting enthusiasm. The hopes which are founded on the principle

of equality are equally extravagant. In the perfect state, from which differences of rank and fortune have been eliminated, there will be, we are assured, neither penury nor vice nor ignorance, but an all-pervading happiness.

From this proceed the following consequences. True justice, if established, will never be regarded as just by the adherents of either side. They will both complain that it falls short of their full aspirations. Again, in a state of evolution the conditions on both sides will be continually shifting, and in order to maintain a balance, both of the terms must be continually under revision. Whether it be dispersion that gains, or concentration, it will be necessary to put a check on the principle that is for the time in the ascendant. Such measures will commend themselves as just to the side in whose interest they are taken, and condemned as unjust by the other side. In goods of which there is only a limited quantity, such as land, it is clear that large properties as a whole cannot increase except at the expense of the small proprietors, or small properties except at the expense of the large proprietors ; and the movement in either direction will be hailed as just by those who gain by it, and branded as confiscation by those who suffer. There will, however, be no real injustice, unless the movement on either side is carried to a point where it establishes a dangerous predominance over the other. We shall hear much of robbery and confiscation when an attempt is made to check undue accumula-

tions of property, but the terms are equally applicable to the processes by which those accumulations had been brought about ; and some movement of the kind, in one direction or the other, according to the exigencies of the time, ought to be welcomed by all as a sign of healthy growth.

Before we enter on a comparison between the different amounts of happiness which may be expected to result from different social or political institutions, the reader should be warned of the doubtful and possibly fallacious character of any conclusion that may be obtained even by the most careful and competent inquiry. All the factors are in the highest degree uncertain and indefinite. That happiness may be measured by material wealth is an opinion which will not stand an appeal to fact. Its general level is no higher in palaces than it is in the homes of the poor. Of the quantitative relation between wealth and happiness only one thing can be said with some approach to certainty. Want of the necessities of life is a source of unhappiness, and is correctly described as *la misère*. That this might be avoided, or, at any rate, reduced to comparatively small proportions, in a socialist state may be conceded. But the certain gain would be confined to a reduction of unhappiness ; it by no means follows that there would be any simultaneous increase of happiness. If the amount of happiness remained unaffected, the reduction in the amount of pain would be sufficient by itself to recommend the change on grounds of utility ; but even so much

cannot be assumed. There may be a reduction of happiness also, and, *a priori*, it is likely that there will be.

That some sources of pleasure would be stopped is certain. Few things produce a keener satisfaction than the bare sense of proprietorship. Exclusive ownership gives rise to a pleasure which is independent of, and often much greater than, any use to which the property can be put. Next to, and in some minds superior to, the pleasures of possession are the pleasures of pursuit. These again are of two kinds : the joys of anticipated fruition, and the excitements of the chase. The latter, which are akin to the pleasures of the gambler, are among the keenest, and at the same time most elevated, of all the satisfactions of self-assertive natures, and, with them, greatly exceed those of fruition. Such natures might perhaps be brought to acquiesce in the loss, but it would empty their life of half its meaning. To men of an unselfish temper the privation would be less severe, and whether, over the whole community the reduction in pleasures would be greater or less than the reduction in pains, which formed the subject of the last paragraph, we have no calculus for deciding. It seems probable that one would about counterbalance the other, and that, if by happiness is meant the net surplus of pleasure after pains have been deducted, the happiness of the whole community would not be affected either for the better or for the worse. Two things, however, seem certain ; there would be a great reduction

on both sides of the account—fewer pains and fewer pleasures ; and secondly, the loss of the self-assertive impulses would keep the whole community at the same level of evolution, and annihilate all prospect of further development.

This appears to be all that need be said about the hedonic aspects of socialism. How far the greatest happiness principle is likely to be realized by the unchecked growth of property may be conjectured with perhaps a nearer approach to certainty. The last stage of that growth, as has been seen, would be the annihilation of all but a very few large properties, and the establishment, for the masses, of conditions which would differ little from those of extreme socialism, except for the one vital change : that the spirit of altruism, which goes far to make the conditions of socialism endurable, would have ceased to influence the collective action of the community. The spirit of self-assertion would have cleared the ground for an uncompromising selfishness. That these conditions, or any nearly approaching them, would be favourable to a wide diffusion of happiness it would be unreasonable to expect. In all its stages the principle of property, being based on self-assertion, is the natural antagonist of altruism, and the writers who have magnified its value on grounds of hedonic utility have always belonged to the classes who benefit by it. The English moralists of the eighteenth century, living in a period of great prosperity, and members or clients of the propertied classes, had no eyes either

for the sufferings of their less fortunate fellow-countrymen, or for the happiness which has not been found wanting in less civilized communities.

Some other supposed advantages, not strictly hedonic, have been put forward on behalf of equality. These are, first, that the desire to become possessed of the goods of others is an incentive to crime ; and secondly, that envy of those who are distinguished by superior power or social station provokes attacks on the existing constitution of society ; that, if both these motives were removed by the abolition of private wealth and distinctions of rank, society would become both more moral and more stable. That these are partial truths may be conceded. One of them indeed receives support from the lessons of Indian history, where the caste system, by fixing for every individual at his birth the position he must occupy throughout his life, has eliminated, almost as effectually as socialism could, the promptings of personal ambition, and has produced a social order of astonishing stability, but only at the cost of all capacity for further development.

It sounds paradoxical to dispute the proposition that respect for property is essential to the stability of a society. It has been repeated so often as to have almost the force of an axiom, but as a maxim of universal application it is of very doubtful value. In countries where rights of property are already recognized, and where they form an integral part in the scheme of society, to refuse them respect may, no doubt, endanger the life of the whole organism,

and so, equally, may an attack on any other vital principle, such as religion or the justice of retribution. When, however, we look around and inquire which societies among those known to history have shown the greatest stability, we shall find that they are those where the rights of property are in the most rudimentary stage. Indian polity, which resembles socialism, not only in the effects of its caste system, but still more closely in its treatment of the problem of property, may again serve as an illustration. No country has ever shown a greater stability or a more astonishing capacity for resistance against continually repeated attacks from without. Time after time its plains have been flooded by hordes of invaders, and, when they have subsided, its peculiar institutions have emerged, not only unscathed, but possibly stronger than before. Its political constitution, its religion, its philosophy, and its whole scheme of life are, in all essentials, the same now as they were at the dawn of history. A visitor to Benares may still observe, with hardly appreciable differences, the same scene which met the eyes of Buddha twenty-five centuries ago, when he went to preach his message of deliverance—the same priests chanting the same liturgies ; the same ascetics and mendicants ; the same crowd of pilgrims bathing at the ghats, or kindling the funeral pyres of their deceased relatives ; the same temples, the resort, then as now, of sacred apes and bulls and peacocks ; the same domestic architecture, the same dresses, the same meals, and the same means of conveyance ;

all as little changed as the sun and the sands and the river. Let us contrast with this the imperial city where the right of property received its fullest development. The herdsman who, at a time little earlier than Buddha, helped Romulus to build its first walls, would find no single point of resemblance in the present city, except, if he could detect them, its natural features. And the long intervening ages which for Benares were free from change, have been filled for Rome with frequent vicissitudes of growth and decay, of splendour and misery.

The surprising stability of social institutions in India is not due to respect for property, but rather to its absence ; for in India the principle of individual property is almost unknown, or was so before the introduction of our rule. With regard to land, the ruling maxim was that the sole proprietor was the Prince ; but even his rights were limited to the receipt of a definite and immutable share of the produce, coupled with the duty of seeing that the land was properly tilled. The cultivator had the right of occupation, but only *quam diu se bene gesserit* (I have known a man deprived of his holding for adultery) and to what remained of the produce after deducting the shares of the Prince and of the village servants. Property of all other kinds was held in common by all the members of an undivided family, subject to a number of petty claims, resembling feudal customs, on the part of the Prince. With a system like this, the *latifundia* worked by gangs of slaves, which were the ruin of Italy, are

impossible. It may be unfavourable to the production of great wealth, and it is fatal to all prospects of social development; but as a specific against decay or sudden destruction it is unrivalled.

Another advantage which has been claimed for socialism is that the absence of rivalry and of motives for conflict will bring about an economy of force, and concentrate the whole of the energies of the citizens along channels which are directed towards the common good of the State. This might be true if men's exertions were independent of motive, and if there were a fixed amount of energy which must be discharged, with or without the application of an appropriate stimulus. But this is not true of human nature as at present constituted. A man of a self-assertive temper will not put forth his powers if no opportunities are given him of self-assertion; nor, on the other hand, will his opposite, the man of an altruistic temper, be moved to activity by prospects of personal advancement. It might perhaps be expected that, where education recognized only one class of motive as desirable, that class would receive a great accession of force; but even this is unlikely, for it is usually found that motives are weakened by an absence of conflict. The most probable result of the extinction of motives of ambition would be, not the diversion of the total stream of energy into one channel, but the elimination of nearly all the energy which would have found an outlet through the channel which had been closed. And the loss would not end here.

In the absence of opposition the surviving impulse would itself decline in strength. When men had no interests save those of their neighbours, they would not continue to take a very lively interest even in them.

In order to decide whether the perfect form of distributive justice is likely to be more successful in producing happiness than either of its constituent elements when left to itself, what we must compare is, not a society in which justice has reached a high degree of development with an imaginary picture of the same society after justice has been eliminated, but the balance of pleasure and pain where justice exists in a rudimentary form, with the same balance in a country where it has been highly developed. Normally, justice can only attain a high degree of development in a society which is highly developed in other respects, or exist in a rudimentary form in a rudimentary state of society. If justice is extinguished in an advanced form of society, decay and dissolution are the almost certain consequences ; and then it is no doubt probable that the balance of pleasure and pain may be disturbed to the disadvantage of the former. But similar effects are likely to follow the sudden introduction of an elaborate justice in a simple society. The result will not be increased happiness, but much unhappiness, and eventual disintegration. By itself, and without reference to the other elements in the society in which it is found, no particular form of justice can be regarded as either good or bad ; or,

perhaps it would be more correct to say, when it is out of tone with its social surroundings it ceases to be justice.

The problem then resolves itself into a comparison between different social conditions as a whole ; and we may begin by inquiring whether the balance of happiness is likely to be greater in an advanced or in a primitive stage of evolution. To most men the answer will seem obvious. The advanced stage is recommended by the instinctive preference which, with all men in progressive conditions of life, sets the present above the past, and which is confusedly accounted for by the attribution of superior happiness. The savage does not retort on civilization the contempt which the civilized man feels for barbarism, and the same instinct in both makes them concur in the same preference. On the other hand, the age a man lives in is his own, and is preferred on that account. This may lead to a difference of opinion, but it confirms the civilized man in his preference for his own conditions. Nevertheless, though men who are accustomed to complex social conditions will usually call attention to their advantages, it is far from certain that the happiness is greater, or that their preference will survive the test of an enlarged experience. There are certainly many who, having made trial of a simple life, return with distaste and regret to the wants and the trammels of an advanced civilization ; who prefer the roses and nightingales of a Persian garden to the learned luxury of an English uni-

versity ; or would willingly barter the comforts of Boston for the cold and privations of an Indian wigwam. If happiness is to be the criterion, we must be contented to remain in doubt, but we may be quite certain as to what our choice should be if it is guided, not by a comparison of the degrees of happiness which are offered by the rival conditions of life, but by an appeal to the interests of forward evolution. No healthy-minded man would refuse the burdens of civilization.

The intensity of sentiment which places the just, in human estimation, above the expedient has by some been accounted for by the paramount importance to human happiness of security of life, property, and reasonable expectations ; a security which, it is alleged, it is the special function of justice to safeguard. This view, however, appears to involve the same fallacy which was pointed out in an earlier part of this essay. What is required for security is primarily a strong Government acting on fixed principles which are generally known. But fixed principles are not necessarily just. They may be engaged in the maintenance of institutions which are manifestly unjust ; like those which in a socialist state debar men from reaping the just reward of their labour, or, in a capitalist state, sanction an unjust distribution of wealth. It is quite possible to have the greatest attainable degree of security under conditions which offend against the plainest rules of justice, and it may safely be asserted that, in conditions of that kind, men would

willingly exchange the security of which they were in the enjoyment for the justice which they wanted.

What, then, is the peculiar quality, or result of its operation, to which justice owes its position in our regards? Its claims to peculiar efficiency in the production of happiness are too shadowy and uncertain to account for it: a similar ascription is made in the case of nearly all qualities for which men feel a high degree of affection or respect. Distributive justice, at any rate, is not the sole and indispensable safeguard of the stability of institutions, or of security of private property, and, as far as I am aware, no other distinctive merit has ever been claimed for it. Perhaps we may be helped by a review of the drawbacks which disqualify each of its main constituent principles from being regarded as just, or as a good thing at all, when it is taken by itself, and allowed to run its course without interference. A knowledge of what those consequences are on account of which we condemn injustice may teach us why we value its opposite.

It appeared probable that the complete realization of the principle of personal equality, might have for one of its results a material reduction in the total amount of misery; but that against this gain we should have to set the loss of nearly all the pleasures which are derived from the pursuit and enjoyment of property, of power, of social position, and of distinctions of all kinds. If activities only were regarded, without reference to resultant pleasures,

there might be a great diminution in crime and political disorder, accompanied by a similar diminution in the healthy activities which are set up by the spirit of emulation. This general reduction in all the items on both sides of the account is a symptom of degeneration, or, rather, degeneration itself. Again, the great political stability which might be attained by institutions which were based on complete personal equality would be paid for by the loss of freedom. They would certainly involve a despotic government, and probably a despotism of a peculiarly searching and oppressive character.

On the other hand, the principle of personal inequality, with accumulation of property, might, in the earlier stages of its development, be productive of an active and brilliant civilization; but in those stages it would still be in conflict with the opposed principle of dispersion. When its victory was assured, and society was reduced to a few men of great wealth, with a numerous proletariat, matters would be certainly no better than in a socialist state. No institutions could be less favourable to the greatest happiness principle; there would be a great reduction in the pleasures of the many, with no set off in the shape of a reduction in the pains. The national character would be debased by the loss of the motives of altruism, and there can be no advance where conduct is governed by none but selfish motives. Finally, as with socialism, the Government would be despotic, but it would differ from a socialist despotism in offering continual provo-

cations to disorder and rebellion, and it would be wanting in stability. In both cases alike the sources of progress would be stopped, the direction of evolution would be reversed, and men would be started on a course of degeneration.

If the dangers with which we are threatened by a deviation from justice in either direction, that is to say either by an insufficient or by an excessive respect for property, are degeneration, extreme stability which is a bar to progress, the deterioration of our moral character, and one form or another of despotism, it is a plain inference that what we have to thank justice for is that it protects us from those dangers, and secures our freedom, and our uninterrupted progress along the path of evolution. It seems to me certain that it does this, and that this is the result which distinguishes institutions which are just from those which are not just, and accounts for the steady pre-eminence of justice among the values of ethics. It is valued because it is one, and by far the most important, of the conditions of freedom, and serves the same ends. The want of strict definition has made it difficult to distinguish the two, and justice has been described, in terms which are appropriate to freedom only, as 'the freedom from interference which is really the whole of what human beings, originally, and apart from contracts, can be strictly said to owe one another'.¹ Neither respect for property, nor equality, is valuable as an end in itself, but only as a means to freedom.

¹ H. Sidgwick, *Methods*, p. 248, Book III, Cap. v.

Freedom is more sacred than either, but it is dependent on both, and is sacrificed when one of them destroys, or gains an undue predominance over, the other. An excessive regard for property produces an excessive concentration of wealth ; and an exaggerated regard for equality, an undue subdivision ; and neither can be reconciled with freedom.

Let us attempt to sketch in bare outline what freedom is.

Every individual is endowed with a number of separate impulses to action, and each of those has its own satisfaction when it attains success ; but they conflict among themselves, and the satisfaction of all is impossible. The first aim of conduct, regarded as a whole, will be the satisfaction of the greatest number possible, at the cost of the sacrifice of the fewest. But this, though a great aim, will not constitute freedom. The highest degree of efficiency may be directed towards an aim, or final end, which leads to degeneration. In order that men may be truly free, and possessed of a freedom which is worth having, they must not only attain the highest degree of efficiency, but must also direct it towards the highest end ; and, in order to secure this, they must submit to government ; that is to say, to the selection and regulation of their impulses by the inner guide, which every man may find, if he will look for it, in his conscience. This is the true internal freedom for each individual. He is truly free in himself when he exercises the greatest possible amount of activity under the control of his

conscience. The ideal form, which each man must fill up for himself, is the highest self-abnegation combined with the highest self-assertion—a formula which is adumbrated in Seneca's '*fragilitatem hominis securitatem Dei*'; and more distinctly realized in Dante's

Umile e alta più che creatura,
Termine fisso d'eterno consiglio.

External or political freedom is analogous in both respects. Every community is constituted by a number of individuals, each of whom is impelled to the exercise of his own activities, without regard to the activities of his neighbours. But activities clash, and no man can proceed to the satisfaction of his own impulses without interfering with the activities of his neighbours. Each man's action curtails or controls the activities of all others who are associated with him in the same community. This is the true war of all against all, which is presupposed by every orderly government, and is latent under all, only waiting to emerge as soon as the government is destroyed. The problem, then, of civilization is to reduce to order the chaotic strife of activities which is the characteristic of barbarism, and to organize it in such a way as to allow the greatest possible evolution of power. The control must not be so strict as to repress growth, or so lax as to bring back disorder; and a social system is free in proportion to the success with which it realizes this end. Freedom, so far, is that compromise between the conflicting principles of liberty

and constraint which secures the spontaneous growth of a society. Some writers have identified freedom with complete liberty of thought and action ; but this is only one, and the most obvious, half of the definition. They repeat the fallacy of those who identify justice either with complete equality, or with the maintenance of private property irrespective of the way in which it is distributed. Liberty without control is nothing else but the war of all against all ; and that is not a condition which admits of progress of any kind. Nor should it be our aim to minimize the control. For true freedom it is required that the stringency of the control should increase in proportion to the strength and variety of the energies liberated. For example, expensive machines, unless their use is strictly controlled, are apt to disturb the balance of political power in favour of capital as against numbers ; and the disturbance may extend to the ordinary amenities of life. The luxury of the few may be paid for by the discomfort of the many. In both cases there will be a loss of freedom, and the advance, being one-sided, will be only apparent. The new element must, indeed, be accepted, but it must, at the same time be controlled. Again, they who desire freedom without burdens are not likely to remain free for long, and the public burdens in a free State will be far more onerous than under a tyrant. For one thing, every man must be a soldier.

But this is not the whole definition. The evolution of power is valuable only when it is directed

towards a right end. A community is a number of men who are associated in the prosecution of a common end; without a common end there is no community. But ends are many, and for no two communities the same. The first condition of true freedom is that the end should be right; that is to say, one of the proximate ends of which we are assured by our ethical judgements that they are subservient to the transcendental end of evolution. Communities which take for their end luxury, or material wealth, or any form of pleasure, are not truly free; and their freedom, such as it is, is not permanent; for it must soon succumb, either to internal disorders, or to foreign aggression. The second condition is that the ideal end of the community should be its own, and not one imposed from without. Men are not free when they are engaged in making bricks for the temples and sepulchres of a foreigner. The common end for which men are leagued together under one government must be both right, and their own; and for their guidance as a community they must rely on the ethical judgements which are generalized from the consciences of the individual citizens.

Freedom, then, may be defined as the political and social conditions which secure the greatest possible evolution of power towards the realization of a national end, which is also ethically valuable. This is the only right purpose of government in a free state, and its alternatives are either domestic tyranny, or foreign domination, or anarchy. Of

these three, anarchy is much to be preferred, inasmuch as it supplies the conditions out of which a free government may arise ; whereas the others do not. It may be far inferior to either of them in protecting the lives and the material wealth of the citizens ; but this advantage counts for nothing in comparison with the bare possibility of the growth of freedom. The worst is foreign domination ; for that means the destruction of the national ideal.

That the amount of power to be developed must be the greatest possible follows from a consideration of the very even balance between the conflicting forces of good and evil, of advance and retrogression, of which the phenomenal universe is made up. History shows that the acquisition and defence of freedom against adverse forces calls for the most strenuous efforts of which a people is capable. It is won with difficulty, and soon lost when the effort is relaxed. The problem, then, is this : how is the control, or government, to be so adjusted as to admit the greatest possible output of power on the part of the community as a whole ? The answer is the same as that which has been offered as the definition of justice. The greatest aggregate output of power on the part of a community can only be produced, and sustained, by a proper adjustment between the conflicting claims of numbers and of merit ; and this is the essential condition of freedom.

Machiavelli tells us that the twin foundations of freedom are justice and military strength, and of these he puts military strength the first. ‘Dove

non è la buona milizia, non possono essere nè leggi buone, nè alcuna altra cosa buona.' I need hardly add that he insists that the army shall be national. But the strength of a national army itself depends on the due observance of both the principles which together make up justice. The common soldier has his rights as well as the officer, and they must be as strictly respected. The distribution of power and pay must be regulated by merit. Without both these, a national army cannot be kept together, though mercenaries may. Again, it cannot be doubted that, of all fighting machines, a national army is the most powerful. None of another kind can stand against it. Here, at any rate, the connexion between justice and the greatest output of force seems clear and necessary. At the same time it must be remembered that military power is not in itself the end of evolution. It is merely a means, or, perhaps, an indispensable element in the general evolution of power which constitutes civilization. It is not distinctive of any ideal, but a common feature in all ; and by itself, and when unconnected with a living ideal, it is not the ally but the enemy of freedom.

The next two applications of the principles of justice are those which have occupied the greater part of this essay. No more need, I hope, be said in support of the proposition that, for the maintenance of freedom, when that word is used in its popular and instinctive sense, the application of the principles of both quantitative and qualitative

equality is indispensable ; whether the province be the repression of direct attacks on public or private security, or the distribution of property. Every form of government is good in proportion to the success with which it guarantees the permanent realization of these ends—that is to say, puts them beyond the influence of the personal character of the ruler. This demands some system of checks, or a distribution of political power. In early forms of society the check may be provided by customary rules which will be enforced against the Prince by the collective voice of his subjects. In more advanced communities they will usually take the form of permanent institutions, by which power will be distributed between two or more classes. That this distribution should be guided by the same compromise between numbers and value which constitutes justice in the distribution of property, is a conclusion we have no right to assume. If that is not the case, it would be a misuse of terms to describe any form of Government as just in itself, and apart from its effects.

If, however, the right distribution of political power is in fact determined by a compromise between quantitative and qualitative equality ; that is to say, if the progress of a State toward the realization of its ethical end is conditioned by a distribution of political power which took about equal account of the claims of numbers and the claims of merit ; or, at any rate, was such as prevented the claims of one from being entirely overwhelmed by the claims of the other ; then we should find that the same

principle of compromise which is the foundation of freedom, so far as that rests on the military and social constitution of a community, applies also to its political constitution. In that case, the whole of the formal substructure on which freedom rests will be cemented together, in every part, by the same ethical principle of compromise. That this is the case appears to be probable ; but it could not be established with a reasonable degree of certainty, except at the expense of another inquiry at least as long as the one we are bringing to an end.

Our object, it will be remembered, was to ascertain why men valued justice. It is because it is an indispensable condition for their realization of the ethical end which binds them together in a society. This is why, in the words of Lord Acton, 'a generous spirit prefers that his country should be poor and weak and of no account, but free, rather than powerful, prosperous, and enslaved. It is better to be the citizen of a humble commonwealth in the Alps, without a prospect of influence beyond the narrow frontier, than a subject of the superb autocracy which overshadows half of Asia and of Europe.' Freedom, such as been described above, is the primary ethical end both for the individual and for the State. It is not, indeed, an end in itself, but it is the universal condition, without which neither can realize its fullest capabilities, and, by rising above its present condition, approach more nearly the hidden end of evolution. All other phenomenal ends are partial and one-sided, and, unless held in check by their opposites, may run to excess.

HAPPINESS

HAPPINESS

JUSTICE, then, is valued, not because it produces happiness, but as the necessary condition for freedom. We are not, however, to conclude, merely because the nature of the connexion has been misunderstood, that there is no connexion at all between happiness and justice. A more careful scrutiny will show that, though happiness is always desired, it is often destitute of ethical value ; and that its ethical value is always determined by its relation to forward evolution. It has already been shown that forward evolution is necessarily conditioned by freedom ; and that freedom is necessarily conditioned by justice. Justice, then, is the primary condition, not, indeed, of happiness generally, but of all that makes happiness worth having ; that is to say, of all happiness that is not merely animal. The following pages will, it is hoped, make my meaning clear.

That happiness and pleasure are not the same thing is certain, and the distinction, though often misunderstood, has seldom been entirely overlooked by any respectable school of thought. But, as is the case with many of the most important among the concepts of ethics, no generally accepted definition for either has been discovered, and, as they have this point in common, that both are the objects of desire, they are often confused. What it is that

really distinguishes them is a question of the highest practical interest ; fresh answers are suggested nearly every day ; and no apology is needed for the offer of another.

We may begin with the observation that, however they may be defined, there is one distinction, that of relative value, on which opinion is practically unanimous. It is always recognized that the value of happiness is higher than the value of pleasure. This being the case, we might have expected that those schools of philosophy which place the end of conduct in the realization of desire would have chosen happiness, and not pleasure, as their universal final end ; and thereby recommended their systems to the natural predilections of their readers. Nevertheless, as a matter of fact, it is pleasure and not happiness, the lower and not the higher value, on which their choice has fallen. It is true that Utilitarians employ the word 'happiness' in their distinctive formula ; but what they mean is either an aggregate, or a series, of pleasures, or a net balance of pleasure after pain has been deducted ; and the same misunderstanding runs through all the Scotch and English Hedonists. Hedonism, and not Eudæmonism, is the general term which is used to designate their doctrine, without, so far as I know, exciting any protests on their part.

The reason for this is instructive, and it furnishes the keynote of all that follows in this essay. The leading interest of eighteenth-century thought was to bring all branches of inquiry within the control

of the scientific method, and work out a complete system of philosophy which should be independent of all transcendental¹ considerations ; and this could only be achieved in the sphere of moral philosophy by placing the highest good in the realization of desires. Now pleasure lends itself to this purpose much more easily than happiness does. It can be directly connected with an external stimulus, with which it appears to stand in a causal relation ; and it follows that, in the absence of accidental hindrance, pleasures, even of the highest kinds, may be obtained at will by those to whom they appeal. A few shillings will secure a hearing of Beethoven's symphonies ; the delights of nature are open to all. It can, therefore, be made the object of direct pursuit, and, as we see, it very often is. None of these things are true of happiness. It is not to be obtained by any expenditure of money or trouble, however great. The best minds of antiquity exhausted themselves in attempts to discover how it may be secured. They failed, and, though happiness is as much desired now as it was then, their successors have not thought it worth while to renew the attempt. It will, indeed, appear that true happiness can only be realized by an exclusive devotion of all one's faculties to another end, which is not happiness ; and that a man who addresses himself to the pursuit of happiness must necessarily miss his aim.

For these reasons any philosopher who makes his final end the satisfaction of desire, must necessarily

¹ Cf. *Ethical Aspects of Evolution*, pp. 90-103.

select pleasure, and not happiness, for that function. But, while making his selection, he will still be aware that, as an object of desire, pleasure ranks below happiness ; and there will remain a continual, probably half-conscious, variance between his instinctive preferences and his intellectual requirements. He will be disposed to explain happiness as some modification or special form of pleasure, and to introduce the term on every occasion when it can be done without obvious violence to language ; and the substitution will become so frequent that, in a short time, the distinction will be lost sight of. Men of action are apt to question the practical value of abstract thought. A better illustration than this it would be unreasonable to ask for. The insistence on the use of the scientific method for ethics brought about the substitution of pleasure and pain for happiness and unhappiness ; and that again has introduced the sickly humanitarianism—the exaggerated solicitude for the pleasures of self and of others, and the unmanly dread of either suffering or inflicting pain—which is one of the most insidious and deadly of the diseases of our civilization.

We may now proceed to inquire directly what happiness is, and in what way it differs from pleasure. The distinction which I am about to propose has none of the disadvantages of novelty, and it seems to be recommended as being at once the least opposed to popular usage, and the most serviceable for purposes of classification, especially when it is carried through to the opposite states of pain and unhappi-

ness. Its acceptance or rejection will only slightly affect the value of my main argument ; as, in whatever other points pleasure and happiness may differ, they agree in these : that the ethical judgements are indifferent to both as independent states ; and that both derive their ethical value, whatever it may be, from the same extrinsic considerations.

The distinctive psychological characteristic of happiness is that it arises within ourselves, and does not admit of being located in any definite part of our organism. It is thus akin to comfort, as unhappiness is akin to discomfort or restlessness. Both happiness and unhappiness are diffused from the moment of their inception, and, though they may vary in intensity, remain equally diffused as long as they endure. Both are purely subjective, and tell us nothing whatever of the external world. Pleasure, on the other hand, is always excited by an external cause ; the stimulus comes from without, through the senses. That this is true of the lower forms of pleasure is obvious, and accounts for the distinction between the pleasures of a common love and the happiness which rewards unselfish devotion. Conscience, when satisfied, gives rise to a high form of happiness ; the palate, the eye, the ear, to pleasures. Thus it comes that happiness and pain may coexist, or pleasure and unhappiness ; whereas pain and pleasure, or happiness and distress, cannot. An assured happiness can so occupy the whole of the consciousness that painful affections of the sense are barred from spreading beyond the locality where

they take their rise. There are few who do not remember with admiration the heroic fortitude of a friend who has supported with cheerful resignation the torments of a lingering disease. On the other hand, when the mind is ill at ease, the keenest pleasures of sense bring no relief. Unhappiness differs from pain in the same way as happiness does from pleasure. It is produced by a persistence in the consciousness of an idea, which disturbs, or impedes, or depresses the free exercise of the faculties; whereas pain proceeds from an affection of the senses.

It is possible that the above account may be disputed, and that instances may be quoted from everyday parlance which seem to contradict it. But it is at least certain that happiness is not the same thing as a succession of pleasures. Happiness and pleasure stand to one another in the same relation as humour and wit; and a series of pleasures no more constitutes happiness than a series of jokes constitutes humour. Both breed, not satisfaction, but satiety, and ennui.

The state itself is usually described as a form of harmony. But harmony is a word which is employed in many distinct senses. In its original and literal meaning¹ it signifies simple mathematical relations between two or more rhythms. The harmonies of music, for which the term was first used, are corre-

¹ 'Those relations of tones which are apprehended as harmonious correspond to simple ratios of their vibration-rates.' Wundt, *Human and animal psychology*, Translation, p. 68.

spondences between two or more rhythmical waves. This explanation is therefore physiological. Another use of the word denotes a whole mental disposition in which there are no conflicting motives, and where all the constituent impulses are directed to only one, or to allied ends. As there are no distinguishable rhythms in states which are purely mental, this use of the word is metaphorical. It may, and indeed must, mean something quite different from the harmonies of sound or of colour. A third usage enlarges the concept by adding to the internal agreement of impulses a complete agreement between them and the outer world. Even then the notion is not clear; for the outer world is never for long entirely at agreement with itself, and it is impossible, except at the expense of internal discord, to agree completely with what is at conflict with itself. Speaking roughly, the processes of the outer world are divided into two conflicting groups of approximately equal strength, and the agreement of the mind with one of those processes necessarily brings it into conflict with the other. The most general terms for these conflicting processes are good and evil; and, when the mind is in agreement with the good principle, it must be in conflict with the evil principle, and vice versa.

In whatever way we understand it this definition is certainly incomplete. Absence of discord is the beginning, as well as the end, of life. It is a state which may be realized in the torpor of insensibility or decay. But this is never the object of reasonable

desire, nor would any one mistake it for happiness. What men desire and call happiness is the harmony of repose, and the value of repose is proportionate to the severity of the toil by which it is conditioned. The greater the preceding discord the better worth having is the resultant harmony. It is true that there are other forms of mental harmony, such as the happiness of children or of a contented disposition: but they, like beauty and genius, are gifts of fortune, and are never among the ends of reasonable action.

It would be a mistake to condemn pleasures generally as valueless. There are many that are elevated, and have a high ethical value. The nobler pleasures of the ear are, it is true, conditioned throughout their whole range by the sense qualities of pitch and timbre, which in themselves have no ethical significance whatever; but they are the cause of an elevated feeling which it would be difficult to distinguish from the higher forms of happiness. The same is true of the feelings which are inspired by scenes of natural beauty, and still more of the intense pleasure which is derived from the spectacle of loving relations between friend and friend, or between parents and their children. All these are pleasures, because they depend upon an external stimulus, but they do not fall below happiness either in elevation, or in intensity, or in diffusion. In duration they are, no doubt, inferior, for they depend ultimately on sensations, and persist no longer, after those have ceased, than the heat in an oven after the fire has been extinguished.

Due weight must be allowed for its superior persistence when the preference for happiness over pleasure comes up for explanation: but the real ground of superiority is that which conditions the ethical value of happiness itself: namely, that it is earned by previous toil, whereas pleasure is not.

It is sometimes supposed that whereas pleasures are common to men and beasts alike, happiness is the special prerogative of humanity, and is, therefore, always on a slightly higher level. But this is a view which it would be difficult to establish. The pleasures of eating, to take an ignoble instance, are quite distinct from the happiness which follows a sufficient meal. The former are the product of an external stimulus on the palate, and are dependent on a keenness of discrimination in the nerves of scent and taste, in the same way as the pleasures of music are dependent on the possession of a musical ear. They postulate a special excellence in the food, and are more intense when the appetite is unsatisfied than afterwards. In all these respects they differ from the happiness which is the concomitant of moderate repletion. That takes its rise in an internal satisfaction; it is not dependent on the quality of the food; it may be experienced by all men, whether they are gifted with aesthetic discrimination or not; and, finally, it does not begin until the susceptibility to pleasure is at its lowest. Let us now descend a step in the ladder of evolution and inquire whether the pig may not be credited

with either or both of these forms of satisfaction. It can hardly be doubted that the answer is much clearer and more certain in the case of happiness than it is in the case of pleasure. The condition of a pig, when basking after a full meal, has all the symptoms which allow us to recognize happiness in men ; but whether, and in what degree, it has experienced the pleasures of the palate, is not equally obvious. It can distinguish what is wholesome from what is noxious, not indeed infallibly, but perhaps better than men can ; and it, no doubt, prefers some kinds of food to others ; but whether its aesthetic gratification is at all comparable to that of its master must, for the present, remain an open question. It need hardly be added that none of these pleasures, whether they be of the glutton or of the gourmet, nor the happiness, whether of the man or of the pig, have any positive ethical value.

There seems indeed no reason to deny to living beings in any order, however lowly, the susceptibility to happiness ; or that the happiness of one order, whatever its ethical value may be, is as truly desirable to the members of the same order as the happiness of any other order is to the members of that. Darwin remarks that ‘ the lower animals, like man, manifestly feel happiness and misery . . . happiness is never better exhibited than by young animals, such as puppies, kittens, lambs, &c., when they are playing together like our own children. Even insects play together’.¹ How then are we to account for

¹ *Descent of Man*, Part I, chap. iii.

the common belief that there is no true happiness except that of man ; or, as Aristotle asserts, pushing the principle to its extreme limit, that the only true happiness is that which attends the exercise of the speculative faculty, that being the highest faculty of the highest order of being ? The explanation, though often overlooked, is simple, and lies on the surface. There are two distinct classes of value : one, that of desire ; the other, that of ethical goodness. These are cross divisions, and mutually independent. The universal qualification of ethical value is not our desires, but our admiration. We admire things which we do not desire, such, for instance, as pain and tribulation ; and we desire things which we do not admire, such as the gratification of our senses. As an object of desire, happiness is equally valued at every stage of evolution ; but at no stage is the value on that account ethical. The ethical value, or what we ought to strive for, belongs to the distinctive excellences of that stage, and to those faculties in the exercise of which resides the promise of rising to one still higher. Happiness may be, indeed always is, desired, but in itself it has no ethical value whatever. A clown may be as happy as a king, but his happiness, even though, in itself, it were equally desirable, would not be accepted by the king at the price of a descent to his level. The same holds good of the free man and the slave. There is no demonstrated difference in the happiness itself, or any other intrinsic quality, which would be a reason for preferring one kind to

another ; and, even if, as is probable, there may be a great difference in quality between the happiness of a higher and that of a lower order of being, that difference depends exclusively upon, and is inseparable from, position on the scale of evolution. And all this applies with equal force to unhappiness. There is no greater unhappiness than the anguish of the noble spirit who has been betrayed into an act of injustice ; nevertheless, though it is never desired, it has a very high ethical value : the terrors of a common murderer have none. True happiness is that which has an ethical value, and, in that case, the values of ethics and of desire coincide. When pain has an ethical value, as it often has, it is opposed to the values of desire.

Again, if happiness has a positive ethical value of its own, that value cannot be denied to the happiness of the lower animals ; and, if unhappiness has a negative ethical value, or, in other words, is an evil, then it follows that the lot of a happy animal is ethically superior to that of an unhappy man of genius. This, I believe, no sane man would allow. Let us now suppose the eudaemonist to take refuge in a denial of all ethical significance to the life experiences of an animal ; he would still be obliged to admit that the initial value of happiness does not depend on the state itself, but on the place on the ladder of evolution which is occupied by the being experiencing it. He might then be invited to explain why the same criterion should not hold good for all stages of human evolution, and all

degrees of happiness. If the happiness of the wise man—

The peace surpassing wealth
The sage in contemplation found,
And walked with inward glory crowned,

is preferable to the happiness of a ploughman, what reason have we, in our quest for an explanation, to go beyond the superior dignity of the sage? Unless that is sufficient, we must cease to respect the 'being of superior faculties', who submits to suffering, rather than drown that, and his faculties at the same time, in strong drink.

The subject may be approached from another point of view. If one kind of happiness differs from another, the facts by which the difference is conditioned must be either internal or external; that is to say, either the nervous susceptibility of the individual, or his actions; or both. If by his nervous susceptibility, then the same cause will render him liable, in the same degree, to an increase of unhappiness, and the difference, whether it be one of intensity or of quality, will be carried through all his feelings. He could then claim no net advantage, and his preference must be determined by the increase of susceptibility itself, or, in other words, by his rise in the order of creation. Indeed, it seems likely that his preference would extend even to the disadvantages, that is, to the increased liability to unhappiness.

If, on the other hand, the cause of the difference is extrinsic, it must be sought for in the actions by

which happiness is conditioned. But the actions themselves are of high or low value in proportion to their degree of approximation to a final end : and the grade of happiness will be relative to the same degree of approximation. We are thus introduced to a possible ambiguity in the use of the expression *summum bonum*. That expression is often employed to designate not virtue itself, but the feeling which is supposed to accompany virtuous action. If, however, virtue is constituted either by right conduct or by right intentions, it is clear that it is not a feeling like pleasure or happiness, but something differing in kind. That the highest good must be virtue seems certain, for that is always good ; whereas happiness may be produced by many things which are not good. The happiness of an animal after a heavy meal, or the self-satisfaction of a clown (which is another kind of happiness) are not even good : much less are they the supreme good. Again, there are many people who are happy by temperament, or through the enjoyment of good health, but not distinguished in any other way from their fellows. Towards happiness of this kind the ethical sense is neutral ; as indeed it is towards all kinds of happiness considered apart from the conduct to which it is an accompaniment. Could the two ends be hypothetically dissociated, and a choice be offered between perfect goodness and perfect happiness ; however doubtful the decision in any particular case might be, it will, I think, be admitted by all that goodness ought to be esteemed as the

highest. And that if perfect goodness is to be valued, not as an end in itself, but as a means to happiness, that the means is more valuable than the end.

No more need be said about the ethical value of happiness in itself. It would, indeed, be waste of time to argue that happiness is not a virtue. The sight of it excites an envy which is without rancour, for there is no other quality which makes a man more agreeable to his neighbours. It is readily communicated by sympathy, and, in the presence of a man who is himself happy, all others are more happy, or less unhappy, than they were before. But, even when possessed in the highest degree, it does not make either a saint or a hero.

We may now proceed to discuss the ethical value, not of happiness itself, but of the pursuit of happiness: first for oneself, and then for others. By what means a man may attain his own happiness was the problem which all the early schools of ethics undertook to solve; and (so strong and so universal is the desire for happiness) there can be little doubt that, if any one of them had been successful, it would have at once conquered, and for long retained, the undivided allegiance of mankind. But desire is not the same thing as ethical appreciation, and it is fortunate that no such solution was found. It would have extinguished all the ethical values which are opposed to the happiness of the individual: such values are very numerous, and their extinction would inevitably be followed by the degeneration of the race.

The failure is universally recognized, and we may spare ourselves the pains of establishing it as a fact. But space may be found for a short quotation from Kant.

‘It is impossible that the most clear-sighted, and at the same time the most powerful being (supposed finite) should frame to himself a definite conception of what he really wills in desiring happiness. Riches, knowledge and discernment, long life, all have consequences which may be fatal to his happiness : even health has its snares. In short, he is unable, on any principle, to determine with certainty what would make him truly happy : because to do so he would need to be omniscient. . . . The problem to determine certainly and universally what action would promote the happiness of a rational being is completely insoluble.’¹

We have already remarked that this is a point wherein happiness differs from pleasure. All kinds of pleasure, including the most elevated, are procurable at will, accidental obstacles being neglected, by men who are susceptible to them ; but there is no form of happiness which can be obtained at will except perhaps the lowest—that is to say, the merely animal happiness of luxury, which is not regarded as morally desirable by any one. The direct pursuit of the higher forms of happiness is a confused idea, to which no clear meaning can be attached. The only means to attain them is to give

¹ *Metaphysics of Morals*, trans. Abbot, p. 35.

up even the idea of pursuit, and follow some other aim.

Moreover, to anticipate, if we have failed to discover any sure means of procuring happiness for ourselves, how are we to set to work to procure it for others? We may, indeed, make it our aim to raise men above conditions of want, ignorance, and excessive toil, where misery is combined with moral degradation. This is an aim of which all right-minded persons will think well. But it has a very limited connexion with the greatest happiness formula. It is satisfied when the obstacles to advance in virtue have been removed; and, that being done, the task is finished. With the direct promotion of happiness it has no concern.

When we appeal to the collective voice of humanity, and inquire whether the pursuit of happiness for himself makes a man respected, there can be no doubt as to the answer. The enjoyment of happiness may make a man envied, but its pursuit gains him neither envy nor admiration. It was presented in what was perhaps its least objectionable form, by the Anglican divines of the eighteenth century, when they recommended the practice of virtue as the best means of obtaining happiness in this world, as well as in the next. But, even there, the ambition to make the best of both worlds provokes a feeling which is akin to amusement, if not to contempt. Nevertheless, it is not its mere selfishness on account of which the ambition is condemned. No one thinks meanly of a man who seeks his own

perfection ; even though his conception of what constitutes perfection, and of the methods by which it is to be attained, may be open to criticism.

It was, however, its unmixed selfishness, combined with a want of moral dignity in the end, that secured the ultimate downfall of egotistic eudaemonism before the rising tide of altruism, and led to the substitution of 'the greatest happiness of the greatest number' as the basal principle of action. This was no doubt an improvement, but it cured only one of the defects of the principle which it superseded. It eliminated its selfishness, without correcting its final end. In order to complete the reform, the new principle should have been 'the highest interests of the greatest number'. What were the highest interests would then have been left an open question. As the reform was incomplete, so have its results been partly good and partly pernicious. They have been good in so far as they have flowed from the altruistic principle of action, and bad when they have been determined by happiness as the final end.

Consistency now demands that we should ask the same question with regard to the greatest number principle as we have asked with regard to selfish eudaemonism ; and it must be admitted that conduct which has for its aim the happiness of others does in fact constitute a title to respect. This is only natural, for unselfishness has a high moral value by itself which is independent of its aim, and, in addition, though happiness by itself is morally indifferent, the strength with which it is desired blinds

the unreflecting to its want of ethical value. Nevertheless, the general verdict will not be intelligible, unless we gain a clear notion of what is meant by unselfishness, considered as a title to respect. The love of our neighbour may take two distinct forms, and the distinction is of peculiar importance, as one form has a considerable ethical value, whereas the other has none, or very little. Apt illustrations of the distinction may be found in the writings of Bishop Butler. In his eleventh sermon he says, 'Happiness consists in the gratification of certain affections, appetites, passions, with objects which are by nature adapted to them. . . . Love of our neighbours is one of these affections. . . . Indulgence or gratification of this affection has the same respect to interest as the indulgence of any other affection.' In his next sermon he says, 'The proportion which the two general affections, benevolence and self-love, have to one another denominates men's character as to virtue.' In the first passage he regards love of our neighbour as a special affection subservient to an enlightened self-interest ; in the second, he distinguishes them as two contrasted general principles. It may be feared that the meaner view, that men are only good to others with an eventual regard to their own happiness, is by far the commonest.

In its first aspect, then, benevolence is what Bishop Butler calls a special affection, whose gratification is one of the interests of self-love, and which, in that regard, ranks with a number of other affections, such as, for instance, a reasonable desire for wealth or

honours. The ultimate end of benevolent action is in that case the happiness of the agent. Such conduct is exemplified on an imposing scale when a despot or a millionaire spends large sums on works of public utility or magnificence; and it is certainly rated higher than conduct which wholly disregards the interests of others. But it is not very highly esteemed: the admiration inspired by it is lukewarm. When both the end and the means are selfish, conduct is condemned. When a selfish end is attained through the exercise of benevolence, it is no longer condemned, but its moral value is not among the highest.

The second form of benevolence is when both the means and the end are unselfish. In that case the interests of others, and not his own, will be the final end of the agent. When a man is thus disposed, his first question, on the occurrence of an emergency which requires him to exercise choice, will be, not, how will this or that line of conduct affect me? but, how will it affect the interests of another, or others? Now it is of the highest consequence to observe that this form of benevolence not only is not the same thing as egotistic benevolence, but is incompatible with it. Enlightened self-interest and true unselfishness are mutually exclusive. A man cannot put both his own interests and those of another in the first place at the same time, or even consider them together. Either one or the other must occupy his mind, and, if he allows his attention to oscillate, the only result will be to weaken the effect of both

as incentives to action. A man is truly benevolent if, in making a choice, his attention is completely occupied by the interests of another : that is to say, when he entirely neglects the consideration of his own. The attainment, therefore, of that higher kind of happiness, which is the reward of true benevolence, is necessarily conditioned by a total indifference to one's own happiness, and absorption in the interests of others.

There are many kinds of disinterested motive. One man's action may be directed by the prospect of increasing the happiness of his neighbours, another by that of raising them in the scale of humanity, without regard to their happiness. Again, there are cross divisions, corresponding with the different degrees of generality which have been attained by the ethical outlook. A man may set himself either to increase the happiness or to elevate the character of a friend, or of his own wife and children ; or to advance the interests, whether moral or material, of any particular institution with which he may be connected ; or of his country. Or his benevolence may be independent of any definite limits or channel, and he may make it his business to improve generally any person with whom he has been brought into casual relations ; or the whole of the human race, including the vast multitudes with whom it is impossible that he should ever be brought into personal relations. Indeed his benevolence may be even more comprehensive, and embrace quadrupeds and reptiles, and the rest of sentient creation. Between all these

forms there is no radical inconsistency, but when two coexist each is likely to weaken the other, and a man is more efficient when his aims are concentrated along a single line. The moral judgements put a higher value on effectiveness in action than on width of interest.

There is yet another form of disinterestedness besides benevolence, and a higher. That is, the sacrifice of all personal aims to an end which is impersonal. Of this kind is an unreserved devotion to art, or to science, or to abstract thought. It is clear that aims like these must be distinguished from all that we have yet mentioned, inasmuch as neither the happiness nor the ethical interests of either the agent himself or of others can enter into the final end, but only the achievement of the ethical or the artistic, or the intellectual task which the worker has set before him. It is true that success may bring him wealth and honours, but often it does not, and to keep the possible rewards in view divides his allegiance and diminishes his chance of succeeding. The discovery of natural laws, the highest forms of art, boldness in abstract speculation, may elevate the character of the individual and increase his power over his surroundings, without, necessarily, making him happier or unhappier than he was before. But it will raise the value of his happiness; and the elevation, both of his character, and of the happiness of which he is susceptible, will not end with himself. It will become, by communication, the common property of humanity.

We are now better equipped than we were before for a discussion of the practical working of the greatest happiness principle in its best form: that is, when the happiness of others is proposed as the ultimate end, and not as subservient to the interests of the self. We may first consider its advantages. The chief of these is that it is incompatible with the grosser forms of self-seeking. In substituting the interests of others, even though those interests may be misconceived, for his own, it has a beneficial influence on the character of the individual who accepts it as his principle of action. When widely diffused, it raises, at least for a time, the ethical tone of the community, by reinforcing the unselfish tendencies, which are the chief strength of religion and morality, in their conflict with the powerful motives of ambition and self-assertion. In its effect on the individual it may be almost wholly good, but only if it finds him on that low plane of ethical development, at which the selfish motives have a dangerous predominance. It may perhaps serve as a step by which he may mount to a conception of the true interests of others, but, on the other hand, it is very likely to keep them out of sight.

It has been claimed as a merit for Bentham's formula that, by demanding an equal consideration for all men, it gives expression to the principle of human equality; and this no doubt is just, if the greatest number principle only be regarded. That, however, is a merit which it shares with the most opposite schools of thought. The philosophy of Kant

makes no distinction of persons when it requires that every man should be treated as an end in himself. Its real distinctive mark lies in the second of its principles—that of the greatest happiness ; and this may be interpreted in a way which would tell against the pure principle of equality. It is obvious that the happiness of some men may be superior in intensity, and perhaps in quality, to the happiness of others, and that this superiority is usually the privilege of higher natures. Every man regards himself as belonging to the superior orders of humanity, and, if the amount or degree of happiness is to be considered, will be convinced that his own is entitled to the first place. This tendency points in a direction which is opposed to altruism, and is likely to operate very actively in that direction, when the claims of governing and subject classes or peoples are brought into conflict. No planter would reckon the happiness of ten or a hundred slaves as of equal value with his own.

In all circumstances it is a potent ally to individualism. Happiness can never be a quality of corporations or of institutions, when considered apart from the individuals who compose the one or are subject to the other ; and the pursuit of happiness keeps the individual in the foreground, while all other interests are either postponed, or wholly forgotten. Its logical consequence is to discredit the motives of patriotism and loyalty, and its practical effect, to destroy their influence. If the happiness of individuals is the proper end of action, there can be no

reason why our exertions should be diverted from that aim by an abstraction like our country ; and, if the claims of all men are equal, and the value of happiness is in proportion to its diffusion, it would be an obvious folly, or worse, to restrict those exertions to the service of the inhabitants of a particular state ; or, still more, by devotion to a single person or group of persons, who happen to be in charge of its affairs. Nor is this objection merely theoretical. We have only to look at history, especially at the history of our own country, to be convinced that what might have been expected has actually occurred. There is a large and influential school of political thinkers who deny the moral value of patriotism, for the professed reason that it conflicts with the greatest happiness principle. And their position is sound. The Whigs of the Napoleonic era, and the advanced Liberals of a more recent date, were only true to their moral principles, when they sympathized with the enemies of their country, and lent them what active support they dared. The two principles of patriotism and unselfish eudaemonism are in fact contradictory, and mutually destructive.

The active sympathies of philanthropists of this school constitute a serious danger to a nation which is at conflict with its neighbours. If Bentham, and not Fichte, had been the leader of German thought at the beginning of the last century, it is probable, either that the battle of Leipzig might never have been fought, or that the result might have been different. ‘What then?’ will be the answer of the

consistent eudaemonist; 'the people of Alsace and Lorraine have not been less happy than those of independent Germany.' But this is beside the point. The question is: not, which condition brings the greater happiness? but, which is preferable as an end of action: happiness, or national independence? Most people would answer instinctively that independence was to be preferred at any price, and that the happiness might take care of itself. They would, no doubt, be right; and for the following reasons:—The prospects of happiness would be about even under either condition—Happiness is not ethically valuable in itself, but only in proportion to the value of the conduct by which it is conditioned—the happiness of dependence is not comparable in value with the happiness of freedom—what constitutes the value of a free state is its capacity for spontaneous development; a capacity which is either lost, or seriously impaired in a state of dependence—and, finally, the capacity for spontaneous development is more valuable than all the other goods of life combined, inasmuch as that is the value of growth, or acquisition, and the others, at their best, are only values of conservation.

Not only is the principle which we are criticizing fatal to patriotism and loyalty, and, by destroying them, a deadly menace to freedom, but it has other evil effects which are as little imaginary, or purely theoretical, as that is. By putting happiness before all other interests it not only endangers, but, in so far as it is attended to, actually destroys, the

restraints which preserve the family as a social institution ; that is to say, marriage and the reciprocal duties which define the relations between parents and children. If a man thinks he will be happier free, and his wife consents, let him put her away, and the community will be enriched by one more happy couple. If he finds it irksome to support his children, or his children to honour and obey him, let each neglect the other. In short, let every one do as he likes, and all will be happy. Conduct of this kind would be blamed as selfish, if each man adopted it on his own initiative, but disinterested eudaemonism breaks down even this safeguard. A legislature which authorizes the disregard of duties is prompted by consideration for the happiness of the greatest number, and not for that of its own members. Its action, therefore, if that principle be admitted, is in the highest degree virtuous and admirable. When a popular movement falls under the influence of the greatest happiness principle, it at once loses all ethical value, and, instead of raising, debases the character of all who are engaged in it.

Its influence on education is not less disastrous, whether the training be of the intellect, or of the body, or of the moral character. Not one of these can reach a high development without toil, and self-denial, and a more or less rigorous system of ascetics ; all of which involve some sacrifice of happiness ; and the training will suffer exactly in the degree to which happiness is allowed to take precedence. By aiming at the reward of success, success is surely missed. The

same result follows when the aim is not undisguisedly happiness, but the gratification of some other impulse which is not the direct purpose of education. When a student's ambition is to gain a prize or an honorary distinction his prospects of gaining either knowledge or wisdom, if not annihilated, are at any rate much reduced. At first, a few of the more original minds may escape without serious injury, but the inevitable end, if the process be continued long enough, will be a Chinese barrenness for all.

May that consummation be long delayed! In the meantime there are signs of the revival of a healthier spirit. Mr. Mill's well-known contribution to the theory of utility was prompted by a vague premonition of the truth that happiness itself is not the real criterion of goodness, but something else which imparts to happiness its value; and his painful insistence that no other end than pleasure is even conceivable may be interpreted as a sign that if one had been forthcoming it would not have been unwelcome. In his autobiography (p. 142) where he takes his reader into his confidence, and speaks as a man untrammelled by the exigencies of system, he professes, as the true basis of his philosophy of life, the conviction that the only chance of being happy is to treat, not happiness, but some end external to it, as the purpose of life. He does not tell us what that end should be, nor does it seem that the question ever occurred to him. If it had, and if he had recognized that the real end of good conduct was transcendental, and therefore, in

fact, inconceivable, he might have seen that the consideration which guided him in selecting happiness for that end had no force.

One of his most distinguished successors has taken another long step in advance, and offers an eirenicon between the greatest happiness principle, and the doctrine that goodness consists in the approximation to an ideal. I make no apology for quoting his words :—

‘To add to the sum of happiness is not merely to add to the sum of pleasures, but it is rather to contribute to the development of higher forms of personality, personalities capable not merely of pleasure, as the animals are, but, of happiness. If this conclusion is sound, it is of no small importance to the social sciences ; it goes far to reconcile the doctrine of such moralists as T. H. Green with that of the more enlightened utilitarians ; for the one party insists that the proper end of moral effort is, the development of personalities, the other that it is the increase of happiness, and these we now see to be identical ends’, and ‘Happiness arises from the harmonious operation of all the sentiments of a well organized and unified personality, one in which the principal sentiments support one another in a succession of actions all of which tend towards the same or closely allied and harmonious ends. Hence the richer, the more completely unified or integrated is the personality, the more capable it is of sustained happiness in spite of inter-current pains of all sorts. In the child, or in the adult of imperfectly developed and unified personality, the pleasure or pain of the moment is apt to fill or dominate the

whole of consciousness as a simple wave of feeling, whereas in the perfected personality it appears as a mere ripple on the surface of a strong tide that sets steadily in one direction.¹

Subject to two conditions, this might be accepted as a complete solution of the problem. They are : first, that a self-consistent character (for thus we venture to epitomize Prof. McDougall's description) is the highest end in itself; and, secondly, that it is sure to produce happiness.

If, as we believe, the value of happiness is dependent on the value of the ethical end by which it is conditioned, it follows that the end which is to be our primary object of pursuit when happiness is our secondary end, must be the highest possible. But it is easy to see that the production of a consistent character cannot be the highest end. A completely consistent character may coexist with a harmony or agreement of ends which are trivial, or degrading to the individual, or noxious to the community. Concentrated hate is as common as concentrated love. Thorough-paced villains and misers are not merely the fictions of a play-wright's fancy, and they would, so far as I can see, satisfy our definition as well as the most exalted types of heroism. Consistency no doubt has a value of its own, but it is the value of utility ; that is to say, it is useful as a means to the attainment of any end whatsoever, whether it be good or bad. For its ethical value it depends altogether on the end to

¹ W. McDougall, *Social Psychology*, p. 156 sq.

which it is subservient, and it becomes worse than valueless when it is misdirected; in both these respects resembling the value of riches. It certainly is not the highest end, for any value that it possesses is that of a means, and not of an end in itself. The value of consistency, when dissociated from genius or elevation of character, is of a very secondary order. It is not, I think, an ideal which would have been accepted by Prof. Green; and, if that be so, the reconciliation is illusory.

Nor is it likely that, even were it attained, it would always be accompanied by happiness. And in this connexion, we must distinguish between unhappiness and pain. It is possible that the concentration of all his impulses on the pursuit of the same or of allied ends may be a mental condition which will make a man insensible or indifferent to pain, but it is not at all likely that it will protect him from unhappiness. He has still the outer world to reckon with. No degree of concentration will secure him against superior odds, or untoward chances; or from failure, contempt, and persecution; and the more complete his concentration, the greater will be the bitterness of defeat.

It must, I think, be confessed that the proposed solution stands neither of our tests. Concentration of character is not the highest end of conduct, nor, even when regarded as a means, is it certain to produce happiness. The latest attempt to answer the old question, how is happiness to be obtained? must share the fate of its predecessors. But, though

unsuccessful in its conscious aim, it is not without dangers that may perhaps be unsuspected. The belief that the development of personalities, and the increase of happiness are identical ends, is not merely mistaken, but it is perhaps the most mischievous kind of mistake that can be promulgated. Their optimism does not blind either Herbert Spencer or J. S. Mill to the truth that it is the highest natures which are most susceptible to unhappiness. And their testimony is confirmed by the experience of all ages. As often as not the man of genius is of all men the most unhappy. It is true that his happiness is of the highest order, and that, if examples of the greatest happiness which has hitherto been realized are wanted, they would be found in the first ranks of evolution, but it is equally true that we must go to the same ranks for examples of the profoundest depths of misery. Again, consistency of aim and concentration of character are not the same thing as 'development of personalities'. Evolution does not advance along a single line, nor is it content with conformity to a single uniform type. On the contrary, it delights in the invention of new and unexpected forms, and the variety of type among civilized men is far greater than it is among savages.

It is in this that the danger lies, not only of ideals, which, like the one under consideration, are obviously erroneous, but of all ideals, whatever they may be, which are set up by philosophers as universal ends of conduct. Even when the error

is not equally obvious, it will be all the more dangerous for being latent. For it is quite certain that no such end will be identical with the end of evolution. Evolution impels us (when we are well advised) to further its ends, but it does not tell us what they are. We are not gifted with prophecy; and our own ideals must necessarily be drawn either from the present or from the past. When once enthroned as the universal end of pursuit they will make any new ideal impossible. But, to men, of all the features in evolution, the most important is the evolution of the ideal. Without that there can be no evolution of conduct, and consequently no evolution of happiness. Evolution is the fruit of conflict, and it is a part of the policy of nature—if so violent a metaphor may be permitted—that at no period of history are men guided by a single comprehensive ideal of conduct. The ideals of Rome and of Judaea in the age of Augustus were not more sharply contrasted than those of science and of religion among ourselves, and equal or greater differences divide the ideals of successive generations.

The victory of any single stereotyped ideal would be mischievous enough were its consequences confined to its influence on the growth of character, and the bias it would give to education. It is the superior elasticity of its moral aims that makes the home and family the proper seat for moral training, and it is the want of it that condemns the teaching of morality as a subject at schools; especially when

those schools are maintained by Government, and have lost the variety which is imparted to private schools by the idiosyncrasies of individual masters, and the distinctive tradition which gives its separate tone to each of the great schools of England. If any one wishes to be convinced of the poisonous effects of the enforcement of a utilitarian ideal on the training of the young, he need only refer to the Government Schools and Colleges in India. And, though it would take us too far afield to show it here, every positive fixed ideal must be utilitarian.

An even more serious danger is that the scientific optimism to which utilitarian ideals are always affiliated, will be sure to recommend that a type of character adapted to the proposed end should be secured by artificial breeding. From its merely ethical aspect this proposal is open to the objection that it involves a complete rupture with the moral traditions which have hitherto guided humanity. Hitherto the highest kind of conduct has been that which has promoted the ends of morality by the practice and example of a virtuous life. If the moral end is to be attained by breeding, and if excellence is still to be judged by the promotion of that end, it seems certain that this will no longer be the case. The highest moral excellence will lie in the production of the largest number of characters of the desired type—that is to say, in success in breeding. Provided a man succeeds in that, it would be impertinent to inquire into his personal character. But not every one could be a breeder.

They would constitute a select and privileged class, and, besides the moral revolution, there would be a social revolution of equal magnitude. This, no doubt, is Utopian. It must be confessed that no such results are even remotely probable, but they seem to be the logical consequence from the premisses.

The biological dangers have been touched on elsewhere.¹ There is no such thing as a general advance in adaptation. A sum of adaptations is no more possible than a sum of pleasures. However numerous the successful relations of an organism to its environment may be, the whole sum of them, however great, is of no avail to save the race from destruction, should there occur only one external change of vital importance, to which it is unable to respond. The preservation of the race against external dangers which have not yet been realized demands a minute and comprehensive knowledge of the future which we cannot pretend to now, and have no reasonable hope of acquiring in the future.

If we turn our attention to the inner needs of the organism, we find that its adjustment to its surroundings is so minute, and so exact, that even a slight disturbance at any one of the innumerable points of contact may, and more than a slight disturbance must, imperil its existence. Our present knowledge of the physiology of adjustment is hardly rudimentary, and the problem increases in com-

¹ *Ethical aspects of Evolution*, p. 26 sq.

plexity with every forward step in evolution. Any attempt at artificial control, even if directed by all the knowledge we have at our command, must necessarily overlook much more than it takes into account; it will be certain to exaggerate the importance of those needs which it thinks it understands, and neglect those of which it is ignorant; and it will thus bring about a fatal disturbance in the finely-balanced relations between the organism and its surroundings. All such attempts are fraught with danger to the community at whose expense they are made; and common prudence demands a better justification than can be obtained by any induction, however complete and conclusive it may appear.

Finally, it would be useless to breed for mere happiness unaccompanied by the conditions which make happiness valuable. No great credit would be due to the breeder who had for his ideal the happiness of the pig-sty, or the luxury which in a civilized community most nearly corresponds to it. He must breed for virtue first; and then his aim will be identical with that of nature. His ideal will be virtue and not happiness, and the only question to be considered will be whether he can improve on nature's methods. Of this, for the reasons which have just been given, there is no hope. He certainly has not the requisite knowledge at present, and there is no reasonable prospect that he will ever acquire it.

But, it will be asked, if these objections are well

founded, and if we are wrong in setting up any ideal, however elevated, as a pattern to which we must all attempt to conform our actions, what guidance is left us? How is it possible for us to have a clear idea, or, indeed, any idea at all of what virtue is? The answer is that in these respects we are no worse off than our forefathers were, and that progress and virtue have always been possible, and often achieved; that the absence of a universal ideal was, as it still is, the necessary condition for both; for, from the moment one had been agreed on, progress would have been arrested, and progress is the condition and the test of virtue. Nor are we on that account left without guidance, though it is of another kind. The ethical judgements of humanity are in no doubt as to what classes of actions are to be regarded as good; and we have no other objective source of information. Those judgements are unanimous in ranking, if personal qualities are to be the test, the man of genius, or of great strength of will, or the saint, as superior to men who have not those qualities; or, if position be regarded, the king, or the spiritual ruler. And if we inquire further what is the common criterion which distinguishes all these kinds of superiority, the only possible answer is the distance which has been traversed beyond the lower ranks of creation.

If, then, conduct is to be in the direction of the aims of evolution, its object must be to raise men to a still higher level; that is to say, increase the distance which separates them from their starting

point. The task is not easy, but there is no kind of doubt as to the means. So far as they are moral they are summed up in the single principle of obedience to the voice of conscience. More generally they are to be discovered in the objective valuations, or judgements of approval or disapproval which men have passed on conduct of all kinds. Of these the moral have by far the greatest practical importance, inasmuch as whether a man will be good is a matter of free choice, but whether he will be great is not. If any further explanation is required, I cannot do better than quote from an article by the late Mr. G. A. Simcox in the *National Review* of October, 1883 :—

‘What is the meaning of right and wrong? Now, if we assume that we are part of a whole, and that in this whole a process is always going on which brings forth more and more life—life not necessarily easier or pleasanter, but fuller, more varied, occupied with larger objects, more strenuous, more stable¹—several inferences follow, of course. First of all, as we are parts of the whole, what goes on in the world tends to go on in us, and the movement outside affects us of itself to an extent which is not limited by the degree in which we share it. . . . Next, as soon as we come to be capable of thought it is clear that we must perceive that the normal direction of our activity lies in conformity with this process. This does not mean that we have, in some mysterious manner, an unconscious or semi-conscious conception of the process

¹ Whether it is more ‘stable’ is doubtful.

of evolution, or that the final definition of it, whatever that may be, is somehow latent in our minds, and only waits to be elicited by sufficiently wide and detailed experience, or sufficiently subtle dialectic. It only means that the process goes on, in fact, with certain results, some of which we share, some of which we observe, and are more or less affected by both. Voluntary activity is right when it conforms to, or, it may be, anticipates the normal—it might be better to say the appointed—direction of involuntary activity. This direction may be determined, as has been said and shown—in some measure—without any reference to pleasure and pain, since its development is analogous to the normal growth of a crystal or tree, which are incapable of either.’

In other words, in the same way as the consciousness brings to light the various modes of action, so does it also express, in the moral and ethical judgements, their relation, whether of agreement or of opposition, to the general direction of the whole process. The voice of evolution makes itself heard in the judgements which men pronounce, they know not why, on the desires and the actions of themselves and of others.

This is not an idle digression. It was necessary to show that there is no general prescription by which happiness may be secured by every one, and that least of all is success to be expected from the substitution of human aims and artificial methods for the aims and methods of natural evolution. But the argument would be open to an unfortunate mis-

construction, unless it were made quite clear that there is nothing in it which disparages the practical value of personal ideals such as have served for the direction of conduct in our own and in previous ages. These, by giving a concrete objective form to the indistinct aspirations of the individual, convert them into an object of faith, and thereby increase immeasurably the strength of their influence. They add, moreover, to the content of the mind a distinct image, which forces itself on the attention at all moments when the aspirations it embodies are threatened by the stress of other and less worthy impulses. Of ideals of this kind it would be impossible to exaggerate the value. Each of them is by itself the true final end of the man in whose consciousness it takes its rise. But they are innumerable, and no two are exactly alike. They follow the same laws as the moral sentiments, and differ with the natural and acquired characteristics of each individual. Moreover, their variety is even greater, as they must take account not only of that conduct which falls within the jurisdiction of the conscience, but of all the religious and aesthetic impulses as well. It is in this infinite variety of ideal that the hopes of progress lie. The attempt to impose one only, repeats the breeder's fallacy of development along single lines. Progress is born from the clash of many opposite growths. When variation in all directions ceases, the race is doomed. To enforce an ideal, which is alien to the temper of individuals, is the worst form of tyranny, as it puts an end to growth, and

freedom (it cannot be too often repeated) is the condition *sine qua non* of unimpeded growth. Freedom includes all values. The saying 'We go to war that we may be at peace' sacrifices truth to epigram. Peace may be had, without war and without honour, by submission. When men go to war it is for freedom, and the love of freedom is a higher form of the love of life. Rather than lose that, they would forgo peace and live in perpetual warfare. And they would forgo not only peace, but happiness also.

Finally, notwithstanding their endless variety, we shall never find happiness as a feature in any one of the concrete ideals which men set up for their reverence. Respect is paid, not to the eventual happiness, should that indeed be the result, but to the toil and sufferings through which it has been realized. No one, except in a spirit of aimless inquisitiveness, asks or cares whether his hero has been happy; nor is any part of the respect forfeited, if it is discovered that he has been unhappy.

The religious precept to which the greatest happiness principle is most frequently affiliated is the command that we should love our neighbours as ourselves. But this, far from confirming the eudaemonist ideal, really contradicts it; and in the place of enjoining on us, as a duty, to seek the happiness of others, forbids it. No one who is well advised would make happiness the direct end of his self-regarding conduct, and he ought, therefore, not to make their happiness his direct end in conduct which concerns his neighbours. One and the same end is common

both to him and to them, and that end is not happiness, but what gives happiness its value. The same law holds good for all, and the only means by which one man can improve for others their prospects of happiness is by helping them to rise to a higher ethical level.

Nor does the divergence stop here. The precept quoted is only one clause, and that the least prominent, in the complete religious instruction. The first clause is, thou shalt love thy God with all thy heart and with all thy soul and with all thy mind. Moreover, the complete harmony of the two precepts is asserted, and it is, indeed, impossible to understand the second apart from the first. Now it is certainly true that the functions of ethics and of religion are totally distinct. The task of the former is to explain, by ascertaining what is common to all of them, the various judgements of men on human action. Its immediate aim is classification : and when considerations drawn from other branches of thought, such as science or religion, are allowed to influence its conclusions, it is unfaithful to that aim, and is guilty of intellectual dishonesty. As soon, however, as its conclusions have been formed, the complete unification of knowledge, which is the sole ultimate aim of abstract thought, demands that they should be compared with the beliefs which have been reached by independent processes, and it is not only right but necessary that the final conclusions of ethics should be compared with the precepts of religion, with the view of ascertaining how far

they correspond. In doing this, it is of primary importance that both should be taken as wholes, and in the same sense which they bear within their respective provinces. If they are mutilated, or wrested from the sense in which they are understood by their authors, in such a way as to reflect the views of those who make the comparison, the correspondence is fallacious. In that case, only one set of views, and not both, has been taken into consideration : there has been no real comparison, and the task of unification instead of being furthered, is set back.

Now it is evident that, to a theory which excludes the Deity from all active intervention in the affairs of the Universe, the command to concentrate all our faculties on the love of God must be meaningless. The bare existence of God is a hypothesis for which science has no place, and it is impossible that its ethical theory should contain anything which corresponds to the first and principal command of religion. The same criticism is not applicable to the views which have been put forward in this essay. A more comprehensive study of evolution, in its ethical aspects, has shown that men are engaged in a conflict between the two opposite tendencies of advance and retrogression, in which they are themselves the protagonists ; that those among their own actions which command their ethical approval are the ones which are in alliance with, or, perhaps more correctly, a part of, the movement in advance ; that, though there may be periods in which one or the other gains a slight advantage, the forces, on the whole, are very

evenly balanced, and we can only hope for success by the concentration of all our active powers in the direction of advance, and the complete suppression of all aims, and all desires that are opposed to it ; that is to say (as our moral precepts can only apply to those classes of action in respect of which our will is free), by the exercise of the highest virtue of which we are capable. Men represent in themselves the latest development of both the conflicting tendencies, and virtue consists in the complete surrender of their wills to one of them. Our knowledge does not go so far as to reveal to us the ultimate end of our endeavours, but the complete surrender of all our powers in the service of an unknown end, which is required by duty, is not practically distinguishable from the love of God which is enjoined by the first commandment of religious faith. The love of our neighbour is only a part of the same surrender, and must be governed by the same final end. In the same way as the happiness which is the reward of benevolence is necessarily conditioned by a total indifference to one's own happiness, so, also, is the happiness which is the reward of virtue generally.

We may now return for a moment to the anatomy of happiness. It will be remembered that in regard to its nature two main characteristics have been brought to light. In the first place it is a state of peace or harmony, from which the feeling of contention is as completely as possible excluded. In the second, its value depends entirely on the value of the conduct which it accompanies, and is proportionate to

its moral or ethical merit. The happiness of the saint, or of the sage is desirable ; that of a clown, or of the lower animals is not. From the first of these two observations it follows that to pursue happiness must be the same thing as to avoid conflict and all experiences that may disturb the inner harmony of the mind. This, again, is the same thing as to renounce duty : for there is no source of conflict, no disturber of the inner harmony, so potent and so unmerciful as the sense of duty. Another consequence follows. As ethical values depend entirely on conflict, and are proportionate to the severity of the struggle and the magnitude of the risks : and as the value of happiness is entirely dependent on and derivative from the value of the conduct, which it accompanies ; every success in the pursuit of harmony brings with it a diminution of the value of the happiness which is attained, and complete success is, at the same moment, a complete annihilation of value. The happiness which is attained by the complete annihilation of conflict is the non-ethical and worthless happiness of the lower animals. The pursuit of happiness as a direct end empties happiness of value, and the only prizes it offers are apples of the Dead Sea.

These remarks may seem paradoxical, but they explain much, and are indeed essential to a correct appreciation of the greatest happiness principle. They furnish the general explanation of all the various undesirable results which have been found in practice to ensue on its operation. The dissolution

of the ties which bind husband and wife, or parents and children ; aversion to marriage, and the various artificial checks on the increase of population ; the merging of the claims of country in a barren and indolent cosmopolitanism, and the general denial of the authority, and even of the existence of conscience, are all of them steps on the road of degeneration. They are inspired by the fear of the burdens of a progressive evolution, which is strong enough to overpower the sense of its privileges, and by a disposition to retreat from the conflict, and decline the sacrifices which those privileges must cost. The most complete exemplification of this tendency is to be found in the doctrines of anarchy which are nothing else than a revolt on the part of those on whom they press most heavily, against the ends of evolution, and the means by which they are accomplished.

One more section of the subject remains for our consideration. We have still to deal with the question whether there is any fixed relation between virtue and vice on the one hand, and happiness and unhappiness on the other ; and we may begin with the inquiry whether happiness attends success in bad conduct. This is a question which cannot be answered off-hand. Prosperity is, no doubt, often the result of conduct that is the reverse of virtuous ; the ungodly may flourish like a green bay-tree : but should we be right if we identified prosperity with happiness ? Kant's definition of happiness as ' the condition of a rational being with whom everything goes according

to his wish and will ; it rests, therefore, on the harmony of physical nature with his whole end, and likewise with the essential determining principle of his will,'¹ gives us a clue to the answer we are in search of. A man is rational when his will is wholly determined by the inward principle which is in harmony with the process of forward evolution ; and that principle is his conscience. Whether a full obedience to conscience will make him happy remains to be inquired ; but that disobedience will prevent his being happy seems clear. So long as he retains his conscience, no degree of success and prosperity will make him happy if the means were bad. He will fail to attain inward harmony, and the satisfaction which he derives from success will be at discord with his conscience. Neglect of duty in the past will still expose him to the torments of remorse. If, on the other hand, he has silenced his conscience, his condition will be still more unenviable, for he will have lost the distinguishing attribute of humanity, and his happiness will not even be comparable to that of the lower animals. It will be that of a devil ; for, whatever concrete denotation we may give that word, it symbolizes a being, who having once possessed good qualities has lost them. These, however, are extreme cases. With the great majority of men, the conscience is neither extinct, nor so alert as to cause distress on every infringement of the moral law. Men so constituted, and endowed with good health and an easy-going temperament, may be

¹ *Dialectic of Pure Practical Reason*, trans. Abbott, p. 221.

happy without deserving to be called good. Their happiness, however, will be a natural gift, and not of that truly valuable kind which is the reward of toil and suffering in the cause of duty.

It seems then safe to conclude that conduct which is opposed to the ends of nature, though it can never bring such happiness as a reasonable man would desire, is not always productive of unhappiness. On the other hand, notwithstanding the universal belief that good conduct, that is, conduct which conforms to the ends of nature, either does or ought to bring happiness, it is a matter of common experience that happiness is the last quality which any one would think of attributing to many of those characters whose exceeding goodness has earned them the reverence of mankind. They have indeed the happiness of a clear conscience, but this, though the best, is not the only kind of happiness ; and they must endure the penalties of being at variance with the forces of decay—tortures and mockings and scourgings, persecution, imprisonment, and cruel forms of death.

It is possible that the practical value of the belief may be brought into question. If, it may be asked, the prospect of happiness is not to be allowed the slightest influence in determining the choice of actions, what can it matter whether it accompanies any particular class of actions as a result ?

The answer is to be found in a distinction which has not received the attention which its far-reaching implications deserve. In one, at least, of its applica-

tions it was, as we have seen, apprehended by J. S. Mill, but he failed to recognize that in his feelings with regard to the pursuit of happiness he held a clue, which, when followed up, would lead him to the discovery of a principle of far greater generality, and, when fully worked out, would have compelled him to reconsider nearly the whole of his conclusions on the subject of morals. That principle is: the end of action, and the object of desire in conduct which has an ethical value, are always distinct: that is to say: the end of action is something, which, in itself, is neither desirable nor undesirable; and, further, the more completely the distinction is carried out, the higher is the value of the action.

Speaking strictly, the only objects of desire are pleasure and happiness; and, when conduct is prudential, it is not incorrect to say that the end of conduct and the reward are the same—that is, pleasure. It is true, as has often been pointed out, that, even here, there is always some practical end, which may be distinguished from pleasure; but that end is only valued as a means to pleasure, and it is not, therefore, an end in itself—if it ceases to promise pleasure, it will lose its interest. It would, I think, be unreasonable to deny that, in this class of conduct, the end of action is the same thing as the object of desire; and that this is equally true of the animal, or non-ethical, forms of happiness, such as the happiness of moderate repletion. No one claims a reward for success in the pursuit of pleasure, or of happiness of this kind.

In the next higher class, namely, that of self-assertive conduct, the distinction is too plain to need demonstration. The objects of desire are never the end of conduct, but always its reward ; and, if they are allowed to influence it, or are regarded as an end, they defeat themselves. When a general plans a campaign, his whole attention must be concentrated on the defeat of the enemy. If he allows his personal interests to intrude, even in the slightest degree—if, for instance, he considers how he may ingratiate himself with his government—his real end must suffer. That end is victory ; his reward, perhaps, a peerage and a pension ; and, if he allows his attention to stray from his real end, he is likely to lose both that and the reward which it conditions. Similarly, if, in writing a serious book, a man is concerned to please the public ; or if, when performing a piece of music, he thinks of his audience instead of the meaning of the music, in the one case the book, and, in the other, the music, will suffer. The discovery of the truth, and the realization of the artistic conception, are not the same things as the capture of the reading public, or of the audience. The first are the end ; the second, the reward.

Up to this point, what is true of the ethics of self-assertion, is also true of morality. The attainment of the highest virtue demands the utmost effort of which a man is capable. If he turns aside to pursue happiness, he relaxes his pursuit of virtue, and, by impairing his chances of that, at the same time reduces his merit, and the happiness which

depends on it. But when we turn to the consideration of their respective rewards, we find a world-wide difference. The rewards of self-assertive conduct are power, wealth, dignity, reputation and the like, and all of them, including even posthumous fame, are located in the world of experience. The only reward that virtue can look forward to is happiness, and that, as we have seen, cannot be counted on in this world. But the conscience is the basis on which all our morality is founded, and that tells us nothing about another world. It must therefore pronounce, and correctly as far as this world goes, that virtue is its own reward. It is at this point that religion intervenes, with the assurance that the reward of virtue is happiness, but a happiness that is not of this world.

It is, indeed, a matter of observation that the will, when at its strongest, is completely indifferent to considerations of pleasure, or of reward in any form. The white heat of passion burns out desire. The love which inspired the *Divine Comedy*, or the best sonnets of Shakespeare, was of this nature, and had no thought of a return. Neither, in its highest moments, has the mystic ardour which seeks communion with God, or that other kind of ardour with which a man devotes himself wholly to the pursuit of truth. The conqueror, who is absorbed in dreams of a world empire, thinks of nothing else, and does not stop to calculate the consequences to himself. And it is well worth noting that the highest reward even of self-assertive natures is not

located within the lifetime of the actor, and is neither happiness nor pleasure, but the admiration of a distant posterity.

It is for this reason that, when posthumous fame is the reward, it may, without blame, be regarded as a principal motive to conduct. No one can find fault with the ambition which Homer attributed to his hero ¹—

‘Let me but stay before the Trojan town,
‘My fate is near, but deathless my renown.
‘I might, indeed, my far off home regain,
‘And in the dear land of my fathers reign.
‘But there, though long my life and bright my days,
‘I miss the guerdon of immortal praise.’

Or with the great apostle to the Gentiles, when he fought, without earthly payment, for the reward of a crown incorruptible that was not of this world. In both these cases, and in all like them, the reward was neither pleasure nor happiness in this world, and the true end was something distinct, and only to be attained by a complete concentration, from which all thoughts of a reward must be excluded as a determining influence on the conduct. That the rewards of religion are not the end of virtuous conduct is shown even by unbelievers, when they assert, what is in a sense true, that they are not less virtuous than believers are.

No line of philosophic thought can supply the assurance of a positive recompense for virtuous

¹ II. ix. 416.

conduct. They all culminate in a state of harmony, which, as an object of desire, is distinguishable only in name from extinction. And the same thing is true of philosophic religions, like Buddhism and the Vedant. One promises total extinction, and the other the annihilation of the personality, as their highest rewards. The less developed forms of pure religion, such as those of the Egyptians, of that sect of the Jews which looked for a future existence, and of Muhammad, place their rewards in a future life, but make them identical in kind with the objects of earthly desire, and differing only in degree. The highest form of religion preserves the personal self, and promises a transcendental form of happiness, which we can only describe in terms borrowed from the joys of experience, though they differ from them in the same way as the Divine counsels differ from the counsels of men.

The true function of rewards was discerned by Milton—

Fame is the spur that the clear spirit doth raise
(That last infirmity of noble mind),
To scorn delights and live laborious days.

They are not the internal impulse, neither do they determine the course by which its end is attained; nor do they determine the choice between conflicting impulses. But, after the choice has been made, they call forth all a man's energies, and strengthen his resolution by raising it above the fears and the discouragements of the present. The soldiers of

the Crescent fought for the victory of Islam. This was their aim, but their valour was doubled by the promise of Paradise as a reward for death in battle. That no such prospect was vouchsafed to the warriors of the Cross, was, I think, an undoubted disadvantage to their cause. That the hope of fame should be regarded as an infirmity, even of the noblest kind, must be explained by a feeling that it is the reward of self-assertion, and not of moral virtue. The cause of virtue generally must suffer if there were a common belief that its practice is attended by no further gain to the agent; that the lot which befallleth the beasts befallleth the sons of man; that the wise man has no advantage more than the fool; and that, when a man is working out his own perfection and that of his fellows, all parts of his character, his mental and moral qualities, are to be raised, but his prospect of happiness is to remain unaffected.

In a symbolical representation, the more important of the formulae which apply to pleasure and happiness would apply also to their opposites. Pain and misery are not ethically evils in themselves, but the rewards of bad conduct. If their avoidance is made the end of conduct, that conduct will, in the long run, defeat its own purpose. The avoidance of pain and misery can only be secured by the avoidance of bad conduct. But, even then, there is no certain correspondence in this world between bad conduct and its recompense, and the exigencies of justice can only be satisfied by the postulation of another

life which is not of this world. Finally, both the evil of the conduct, and the severity of the penalties are proportionate to the stage which has been attained in the advance of evolution.

However necessary and reasonable the belief may be, it is incredible that it should maintain itself in the face of an experience which is full of instances of righteous men exposed to every kind of calamity and reaping even death as a reward for their righteousness, if the range of expectation were limited to the world as we know it. It is only saved by transcending that world and looking forward to a certain recompense in another. Of that other world, though they suggest it, the moral sentiments tell us nothing, and our conviction that it exists must rest on another basis. Moreover, in order to completely satisfy the legitimate aspirations of the highest minds, not only must the scene be transcendental, but the quality also of the compensation. Only a low order of mind is content with the promise of a paradise of pleasures; the highest natures will not be satisfied with even the purest and noblest form of happiness, but demand something that will transcend our powers of conception. And in this, no doubt, they are justified; inasmuch as any ideal which is based on the past must differ from, and be inferior to, the promise of the future, and stand in the way of its realization. It has been shown elsewhere that the bare exigencies of our reason demand the hypothesis of a transcendental end of action, as an assumption without which it is impossible to explain our moral

judgements. In the same way, the exigencies of our emotional nature demand the hypothesis of a transcendental life, and a transcendental form of happiness. None of these separate, but concordant beliefs, in the present state of our knowledge, and with our present faculties, are susceptible of positive proof. All that reason can say in support of them is that they are the necessary satisfaction of our highest and most lately developed needs; and that, as civilization is now understood, they are indispensable both to our continued existence as civilized beings, and to our realization of still higher forms in the life we know.

It is not to be concluded that, because, over the whole world of experience, the relative proportions between virtue and vice, and between happiness and misery, are unaffected by evolution, that the same observation holds good of individuals. In all stages, there are some men in whom virtue greatly predominates over vice, and some in whose lot happiness greatly predominates over misery. And, with the advance of civilization, the differences become more and more pronounced. The difference between a virtuous savage and his vicious contemporary is less marked than the difference between the highest and lowest representatives of our own society. In the scale of morality, the lowest civilized criminal is as much below the lowest savage as the highest product of civilization is above the highest product of barbarism. We are not then forbidden to imagine a stage of existence in which the whole of the posi-

tive values might be collected in one set of lives, and the whole of the negative values in another, without there ensuing any disturbance of the general equilibrium between happiness and unhappiness. We might indeed be justified in expecting this as the ultimate condition of our own world, if it could be shown that the distribution of one class of values corresponded with, and followed the same line as, the distribution of the other class; that is to say, that the proportion of happiness to misery, in each individual, corresponded to the proportion between virtue and vice. Such a prospect may, perhaps, be desired; but facts are inexorable. No constant proportion can be observed in the distribution to individuals of happiness and virtue, and there is therefore no rational ground for the expectation that, in the world of phenomena, any set of men will at any time combine perfect goodness with perfect happiness.

The conception of happiness as an existence like our own, but with all the pleasures retained, and the pains eliminated, is part of a more general conception, which represents the universe as a whole, whose growth has been arrested at the stage in which the writer, whoever he may be, is living. It implies re-arrangement, but excludes growth. The assumption that evolution, understood as growth, has reached its term, can never have been true of any age previous to that in which the author was writing. That such a term has actually been reached is contradicted by every presumption that can be

drawn from the history of the past. Even if growth has ceased, and the man of the future will resemble, in all other respects, the man of the present, there is no sign that any new principle of distribution is at work—the bare beginnings of its operation are not discernible. The belief, if any one really entertains it, that any man or set of men will, at any future time, be perfectly happy in this world, however pleasant it may be, has no support from fact. And, even then, as the value of happiness depends on growth, and not on distribution, all hope of a further rise in value must be given up. But evolution, rightly understood, not only admits, but encourages, the expectation of a happiness which may be as far superior in value to our own as ours is superior to the happiness of the beasts that perish.

We have explained that the practical value of happiness lies in its effect in stimulating activity, and not in its influence on choice. We may now ask, what is the practical difference between a philosophy which stops with a number of phenomenal ends, and denies the existence of any beyond them, and one that adds to them a single transcendental end, which is beyond our knowledge, which transcends the distinction between good and evil, and is therefore useless as a criterion, or a practical guide to conduct? In what way is an unknown end better than none? Judged by their direct influence, and without regard to their respective implications, they differ very little, and if philosophy were our only guide, the question would

be hardly worth debating. There is, however, this vital difference in what they implicate. The first offers itself as a complete solution of the problem of life ; whereas the second admits its own incompleteness, and leaves a place open for, and prepares the mind for the reception of, a religious solution. The first therefore excludes from its theory what is, and what many of its own professors admit to be, the most important of all the determinants to action ; and the theoretical exclusion superinduces a strong practical interest in subverting its influence. The finality it claims is only gained by a glaring incompleteness in comprehension, and to this defect it must labour to close its eyes. The second excludes none of the springs of action, and assigns to religion its natural place, and that is the place it claims, in the scheme of beliefs. When interrogated, religion assures us as a fact, what ethical inquiry suggests as probable, that is, that the future will bring forth an existence, which, on the one hand, will be far more excellent than any we are acquainted with, and, on the other hand, more debased. As to the exact nature of that existence it leaves us as much in the dark as reason does ; only lifting the veil so far as to let us see, as Dante says, that—

Quanto la cosa è piu perfetta
Più senta 'l bene e così la doglienza.

With the further assurance, which, though it is demanded alike by our reasonable hopes, and by our sense of justice, is not endorsed by our experi-

ence ; that the distribution of happiness and misery will not be irrespective of the good and the evil we may have done. This essay may end with another quotation from Kant :

‘Morality is not properly the doctrine of how we should make ourselves happy, but how we should become worthy of happiness. It is only when religion is added, that there also comes in the hope of participating in happiness in proportion as we have endeavoured to be not unworthy of it. . . . The hope of happiness first begins with religion only.’¹

A grave responsibility is attached to all pronouncements on the subject of a future life ; and I ought to add that the foregoing account, though probably sufficient for its purpose, and accurate so far as it goes, has no pretensions to completeness. Propositions may be suggested which I am not prepared either to affirm or to contradict. Such, for instance, as that, in this life, the punishment which follows evil-doing is far more certain than the reward for virtue ; or that, whereas the reward may be perfection of personality, the punishment may be its extinction ; and, no doubt, many others : for the greater number of which philosophy neither has, nor is ever likely to find, a solution.

¹ *Dialectic of Pure Practical Reason*, trans. Abbott, p. 227.

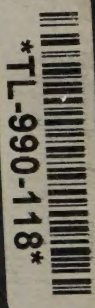
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